

# APPENDIX A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT

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ROSS UNIVERSITY MEDICAL SCHOOL

Plaintiff,

Index No. 09CV01410

-against-

BROOKLYN-QUEENS HEALTH CARE AND  
WYCKOFF HEIGHTS MEDICAL CENTER,

Defendants.

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374 Stockholm Street  
Brooklyn, New York 11237

June 24, 2011  
10:00 a.m.

EXAMINATION BEFORE TRIAL  
of RAJIV GARG, a Defendant, by  
George J. Tzanetopoulos, pursuant  
to Article 31 of the Civil Practice  
Law & Rules of Testimony, and  
Notice, held at the above-mentioned  
time and place, before Paul  
Goldstein, a shorthand reporter and  
Notary Public of the State of New  
York.

1 APPEARANCES:

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5  
6 BAKER HOSTETLER, LLP  
Attorneys for the Plaintiff  
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8 BY: GEORGE J. TZANETOPOULOS  
9

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Attorneys for the Defendants  
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11 New York, New York 10022  
12 BY: WALTER P. LOUGHLIN  
13

14 WYCKOFF HEIGHTS MEDICAL CENTER  
Office of General Counsel  
374 Stockholm Street  
15 Brooklyn, New York 11237  
16 BY: DAVID N. HOFFMAN  
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1 Rule, during the course of the examination  
2 persons In attendance shall not make  
3 statements or comments That interfere with  
4 the questioning.

5 THAT a deponent shall answer all  
6 questions at A deposition, except (i) to  
7 preserve a privilege or Right of  
8 confidentiality, (ii) to enforce 'a  
9 Limitation set forth in an order of a court,  
10 Or (iii) when the question is plainly  
11 improper And would, if answered, cause  
12 significant Prejudice to any person. An  
13 attorney shall Not direct a deponent not to  
14 answer except as Provided in CPLR Rule 3115  
15 or this Subdivision. Any refusal to answer or  
16 Direction not to answer shall be accompanied  
17 By a succinct and clear statement of the  
18 basis Therefore. If the deponent does not  
19 answer a Question, the examining party shall  
20 have the Right to complete the remainder of  
21 the Deposition.

22 THAT an attorney shall not interrupt the  
23 Deposition for the purpose of communicating  
24 With the deponent unless all parties consent  
25

1 STIPULATIONS:

2  
3 IT IS HEREBY STIPULATED AND AGREED by and  
4 Between the attorneys for the respective  
5 parties Herein, and in compliance with Rule  
6 221 of the Uniform Rules for the Trial  
7 Courts:

8 THAT the parties recognize the provision  
9 of Rule 3115 subdivisions (b), (c) and/or  
10 (d). All Objections made at a deposition  
11 shall be noted by The officer before whom the  
12 deposition is taken, And the answer shall be  
13 given and the deposition Shall proceed  
14 subject to the objections and to the Right of  
15 a person to apply for appropriate relief,  
16 Pursuant to Article 31 of the CPLR.

17 THAT every objection raised during a  
18 Deposition shall be stated succinctly and  
19 framed so as not to suggest an answer to the  
20 deponent and, at The request of the  
21 questioning attorney, shall Include a clear  
22 statement as to any defect in form Or other  
23 basis of error or irregularity. Except to The  
24 extent permitted by CPLR Rule 3115 or by this  
25

1 Or the communication is made for the purpose  
2 Of determining whether the question should  
3 not Be answered on the grounds set forth in  
4 Section 221.2 of these rules and, in such  
5 Event, the reason for the communication shall  
6 be stated for the record succinctly and  
7 Clearly.

8 THAT failure to object to any question or  
9 To move to strike and testimony at this 5J  
10 Examination shall not be a bar or waiver to  
11 Make such objection or motion at the time of  
12 the trial of this action, and is hereby  
13 Reserved; and

14 THAT this examination may be signed and  
15 Sworn to by the witness examined herein  
16 before any Notary Public, but failure to do  
17 so or to Return the original of the  
18 examination to the Attorney on whose behalf  
19 the examination is Taken shall not be deemed  
20 a waiver of the rights provided by Rules 3116  
21 and 3117 of the CPLR, and shall be controlled  
22 thereby, and THAT certification and filing of  
23 the Original of this examination are waived;  
24 and  
25

1 THAT the questioning attorney shall  
2 Provide counsel for the witness examined  
3 Herein with a copy of this examination at no  
4 charge.  
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1 deposition before?  
2 A. Yes.  
3 Q. On how many occasions?  
4 A. Three.  
5 Q. What sorts of cases, just generally?  
6 A. (No audible response.)  
7 Q. In what sorts of cases were those  
8 depositions given?  
9 A. Matters relating to Wyckoff.  
10 Q. In a general nature, contract  
11 disputes, personal injury?  
12 A. Employment and contract dispute.  
13 Q. Well, you've been through the drill,  
14 so I'll give you the short version of the  
15 instructions.  
16 As you know, I'll be asking you  
17 questions and you'll be giving answers. The  
18 court reporter is taking down what is said  
19 here.  
20 If, at any point, you don't  
21 understand my question, or don't hear me,  
22 please let me know, and I'll repeat it.  
23 All right?  
24 A. (No audible response.)  
25

7

1 The witness herein, having been first  
2 duly sworn by Paul Goldstein, a Notary Public  
3 of the State of New York was examined and  
4 testified as follows:

5 EXAMINATION BY

6 MR. TZANETOPOULOS:

7 Q. My name is George Tzanetopoulos. I  
8 represent the Plaintiff, Ross University  
9 School of Medicine, in this case.

10 Good morning.

11 A. Good morning.

12 Q. This is the deposition of Rajiv Garg,  
13 in the matter of Ross University School of  
14 Medicine, Limited, versus Brooklyn-Queens  
15 Health Care and Wyckoff Heights Medical  
16 Center, Case Number 09CV01410.

17 The deposition is both -- has both  
18 been noticed for for Mr. Garg in his personal  
19 capacity, and also Mr. Garg is being  
20 presented as, or in response to Plaintiff's  
21 Notice.

22 As I understand it, Mr. Garg will be  
23 testifying on behalf of both Defendants.

24 Q. Mr. Garg, have you ever given a  
25 GARG

9

1 Q. That's the next instruction. You  
2 have to answer, in words.

3 He can't take down when you nod up  
4 and down.

5 A. I understand.

6 Q. Thank you. If, at any point, you  
7 need a break, just let us know and we'll be  
8 happy to accommodate you.

9 Do you understand that you have been  
10 designated to testify in a deposition today,  
11 as to the knowledge of Brooklyn-Queens Health  
12 Care, and Wyckoff Heights Medical Center on  
13 certain topics?

14 A. Yes, I do.

15 Q. What have you done to prepare for  
16 your deposition today?

17 A. I conferred with counsel.

18 Q. Which counsel?

19 A. Internal counsel and external  
20 counsel.

21 Q. Mr. Hoffman, internally?

22 A. Yeah.

23 Q. Mr. Loughlin, outside?

24 A. Yes.  
25

1 Q. Did you confer with anybody else to  
2 prepare for today?  
3 A. No.  
4 Q. Did you speak with anybody else at  
5 Wyckoff Heights Medical Center to obtain  
6 information on the topics, for which, you're  
7 designated to testify?  
8 A. I cannot answer the question the way  
9 it's been asked.  
10 Q. Did you speak to anybody at Wyckoff  
11 to get information to testify about those  
12 topics?  
13 A. No.  
14 Q. Anybody at Brooklyn-Queens Health  
15 Care?  
16 A. No.  
17 Q. How much time did you spend with  
18 counsel to prepare for today's testimony?  
19 A. I didn't calculate it, but I guess a  
20 couple of hours.  
21 Q. All right. Did you review any  
22 documents to prepare for today's testimony?  
23 A. Just one notice.  
24 Q. Okay. Other than the deposition  
25

11  
1 notice, did you review any documents to  
2 prepare for today?  
3 A. Just what I conferred with counsel  
4 on.  
5 Q. Did they show you documents?  
6 MR. LOUGHLIN: Objection. I instruct  
7 you not to answer.  
8 MR. TZANETOPOULOS: Whether he was  
9 shown documents? It's a 30(b)(6) deposition.  
10 MR. LOUGHLIN: Yeah. But then you're  
11 gonna ask, "What documents?"  
12 That intrudes on our communications,  
13 and our preparation.  
14 Q. What was the volume of documents that  
15 you reviewed with counsel? How many pieces  
16 of paper, or, how many different documents?  
17 A. I don't really recollect.  
18 Q. What positions -- just to close this  
19 out -- other than the consultation with  
20 counsel, and reviewing the few documents that  
21 you reviewed with counsel, did you do  
22 anything else to prepare for today's  
23 deposition?  
24 A. No.  
25

1 Q. What positions have you held at  
2 Wyckoff Heights Medical Center?  
3 A. Originally, trustee. And then, the  
4 CEO position.  
5 Q. When did you first become a trustee  
6 on the board of Wyckoff?  
7 A. Probably, April 2008.  
8 Q. And when did you become Chief  
9 Executive Officer at Wyckoff?  
10 A. November 2008.  
11 Q. Have you been Chief Executive Officer  
12 at Wyckoff continuously since November 2008?  
13 A. Yes.  
14 Q. And have you served on the Board of  
15 Trustees of Wyckoff continuously since April  
16 2008?  
17 A. Yes.  
18 Q. Have you ever held any position at  
19 Brooklyn-Queens Health Care?  
20 A. Yes. I think, for a short period, I  
21 was one of the trustees.  
22 Q. When were you a trustee for Brooklyn-  
23 Queens Health Care?  
24 A. Some time in May or June of 2008. I  
25

13  
1 don't remember the end date.  
2 Q. I know you can't do it precisely, but  
3 your best estimate of when you ceased to be a  
4 trustee of Brooklyn-Queens Health Care?  
5 A. I would say, sometime -- either late  
6 2008 or early 2009.  
7 Q. And what were the circumstances that  
8 led to you ceasing to be a trustee for  
9 Brooklyn-Queens Health Care?  
10 A. I think my position as CEO at  
11 Wyckoff, was the reason I had to step down.  
12 Q. Who was it that suggested you should  
13 step down?  
14 A. I think it was a combination of the  
15 board and internal counsel.  
16 Q. Okay. Have you ever been a corporate  
17 officer of Brooklyn-Queens Health Care?  
18 A. (No audible response.)  
19 Q. Is that no?  
20 A. No, sorry.  
21 Q. If you don't do this for a living,  
22 it's hard to keep track, but you're doing  
23 fine.  
24 Have you held any positions at  
25

1 Caritas Health Care?  
 2 A. Trustee.  
 3 Q. When were you a trustee on the Board  
 4 of Directors at Caritas Health Care?  
 5 A. Same period as Brooklyn-Queens Health  
 6 Care.  
 7 Q. So, May 2008 through late 2008 or  
 8 early 2009?  
 9 A. Correct.  
 10 Q. Were you ever a corporate officer of  
 11 Caritas Health Care?  
 12 A. No.  
 13 Q. As you know, we're here today about a  
 14 dispute concerning an affiliation agreement  
 15 between Ross University School of Medicine  
 16 and Brooklyn-Queens Health Care.  
 17 Did you have anything to do with the  
 18 original affiliation agreement between Ross  
 19 and BQHC?  
 20 A. No.  
 21 Q. Did you have anything to do with the  
 22 negotiation of any of the amendments to that  
 23 agreement?  
 24 A. No.  
 25

1 and of salaries or board fees, that were paid  
 2 to such officers and trustees and the  
 3 identity of the entity that paid them.  
 4 At the present who are the trustees  
 5 of Brooklyn-Queens Health Care?  
 6 A. I don't know.  
 7 Q. Do you know the identity of those  
 8 trustees for any period of time, from 2006 to  
 9 the present?  
 10 A. Some of them. I don't know about  
 11 2006, but from 2008 to the present, I would  
 12 know some.  
 13 Q. Which ones do you know?  
 14 A. For Wyckoff?  
 15 Q. Let's start with BQHC.  
 16 A. I can count four names. Mr. Rucigay,  
 17 Mr. Arcuri -- I just remember those two.  
 18 Q. Mr. Rucigay -- that's Emil Rucigay?  
 19 A. Yes.  
 20 Q. Do you know what periods of time  
 21 Mr. Rucigay and Mr. Arcuri served as board  
 22 members of BQHC?  
 23 A. I would only know the period I was on  
 24 the board.  
 25

15

1 Q. Can ask you to mark that notice,  
 2 please, as the first exhibit.  
 3 (Whereupon, the document was marked as  
 4 Plaintiff's Exhibit 1.)  
 5 Mr. Garg, let me show you (handing.)  
 6 a document that the court reporter has marked  
 7 as Deposition Exhibit Number 1. It's the  
 8 notice of a 30(b)(6) deposition of the  
 9 Defendants for today's deposition.  
 10 Is Exhibit 1 the notice you were  
 11 shown by counsel?  
 12 A. I believe so.  
 13 Q. All right. If I can please direct  
 14 your attention to the third page, the list of  
 15 topics.  
 16 A. Yes.  
 17 Q. Let's start today with testimony  
 18 concerning those topics.  
 19 A. Yes.  
 20 Q. And I think I'll go bottom to top.  
 21 So, let's start with Topic Number 10,  
 22 which asks for testimony concerning the  
 23 identity and dates of service of the officers  
 24 and trustees of BQHC and Wyckoff and Caritas,  
 25

17

1 MR. LOUGHLIN: I should say, of  
 2 course, that we've provided the board minutes  
 3 going back to at least 2006, for all the  
 4 entities, which list the people who attend  
 5 those and their capacities, which is  
 6 obviously a more reliable source of this  
 7 information than to test Mr. Garg's memory  
 8 about who may have served on a board from  
 9 2006 forward, for one or more of the  
 10 entities.  
 11 MR. TZANETOPOULOS: This is no memory  
 12 test. Let me address this directly, because  
 13 it's going to come up.  
 14 Under 30(b)(6) we're entitled to  
 15 sworn versions by Defendants about who their  
 16 trustees were, and at what period of time.  
 17 MR. LOUGHLIN: For a five-year  
 18 period?  
 19 MR. TZANETOPOULOS: Yes.  
 20 MR. LOUGHLIN: For three different  
 21 entities?  
 22 MR. TZANETOPOULOS: Yes.  
 23 MR. HOFFMAN: Well, then it is a  
 24 memory test.  
 25

1 MR. TZANETOPOULOS: Well, you're  
2 obliged to prepare him. And if you feel he  
3 needs an outline, that's fine. I've seen  
4 that done plenty.

5 MR. LOUGHLIN: I would never provide  
6 a witness with an outline that he would read  
7 at a deposition. I've never heard of such a  
8 practice. But, anyway, ask your question,  
9 and Mr. Garg will answer it as best he can.

10 **Q. Do you recall the identity or dates**  
11 **of service of any other Brooklyn-Queens**  
12 **Health Care trustees?**

13 A. No. I'm trying to remember his name.  
14 There were two gentlemen, one I think was a  
15 local bishop, and the second one was. Oh,  
16 I've got a bad memory, um -- the Fidelis  
17 Chairman? Mark? Mark somebody, for lack of  
18 a name.

19 MR. LOUGHLIN: Was the question about  
20 BQHC?

21 MR. TZANETOPOULOS: BQHC.

22 THE WITNESS: Well, then, I might be  
23 wrong. That might have been just for  
24 Caritas.  
25

1 A. May I ask a question?

2 **Q. Sure.**

3 A. Paid for, and advanced monies, are  
4 two different things in accounting.

5 So, if my memory serves me right,  
6 Wyckoff Heights Medical Center might have  
7 lent money, through an intercompany  
8 accounting system, for a debt or a liability  
9 to be paid for, by lending monies to  
10 entities.

11 I know you asked if Wyckoff Heights  
12 Medical Center directly paid for any of those  
13 debts.

14 **Q. So, is it the case that the**  
15 **Defendants' position is that any Wyckoff**  
16 **Heights Medical Center payments for**  
17 **liabilities of Brooklyn-Queens Health Care,**  
18 **were intercompany loans?**

19 A. Yes.

20 **Q. And is it also the Defendant's**  
21 **position that Wyckoff Heights Medical Center**  
22 **never outright paid for a debt or liability**  
23 **of Brooklyn-Queens Health Care?**

24 A. That's correct. And, in fact, I'd  
25

19 (Whereupon, an off-the-record discussion  
2 was held.)

3 MR. TZANETOPOULOS: I had some  
4 discussion, off-the-record, with Mr. Hoffman  
5 and we thought he might have information to  
6 assist on Topic 10.

7 So, let's move on to Topic 9, and  
8 we'll come back to Topic 10, later.

9 Topic 9 inquires for the Defendants'  
10 information in the following fashion:

11 It asks for identification of the  
12 instances, in which, Wyckoff paid for debts  
13 or liabilities of any of BQHC, Wyckoff,  
14 Caritas, and any of the hospitals.

15 I will tell you, we can scratch out  
16 when Wyckoff paid for Wyckoff, that was a  
17 mistake.

18 The inquiry will be when did Wyckoff  
19 pay for debts or liabilities that BQHC,  
20 Caritas, or St. John's and Mary Immaculate,  
21 okay?

22 In what instances did Wyckoff Heights  
23 Medical Center pay for debts or liabilities  
24 of Brooklyn-Queens Health Care?  
25

21 like to add something, with permission.

2 This bit, I do remember.

3 Tom Singleton told me on various  
4 occasions, to stop looting Wyckoff's cashbox.

5 **Q. In what instances did Wyckoff Heights**  
6 **Medical Center make intercompany loans for**  
7 **the liabilities or debts of Brooklyn-Queens**  
8 **Health Care?**

9 A. Nothing specific. If cash was  
10 required, it was done so by means of an  
11 intercompany loan.

12 **Q. Can you identify any of the**  
13 **instances?**

14 A. No.

15 **Q. In any instance, did Wyckoff Heights**  
16 **Medical Center outright pay for any of the**  
17 **liabilities or debts of Caritas Health Care,**  
18 **or its hospitals?**

19 A. No.

20 **Q. Were there instances when Wyckoff**  
21 **Heights Medical Center advanced funds through**  
22 **intercompany transactions, for debts or**  
23 **liabilities of Caritas or its hospitals?**

24 A. Nothing specific. I'm just going to  
25



1 correct my previous answer.

2 When I was talking about the earlier  
3 set of circumstances, I was talking about  
4 Caritas, not BQHC.

5 Because BQHC really did not operate  
6 at all.

7 **Q. So if I understand your testimony, is**  
8 **it correct that Defendant's position is that**  
9 **Wyckoff Heights Medical Center never advanced**  
10 **or lent money through intercompany**  
11 **transaction or otherwise to BQHC?**

12 A. Not to my knowledge.

13 **Q. Is it correct -- it is Defendant's**  
14 **position that Wyckoff Heights Medical Center**  
15 **advanced funds through intercompany loans,**  
16 **for the debts of Caritas and its hospitals,**  
17 **but that you don't know the particular**  
18 **instances?**

19 A. That's correct.

20 MR. LOUGHLIN: Okay. I think  
21 Mr. Garg testified that those were treated as  
22 advances, with the expectation that they  
23 would be returned.

24 And, as you know, we have provided  
25

1 You want to take the chair under  
2 oath?

3 Mr. Garg's the deponent here, not  
4 you.

5 **Q. Can you identify any instance,**  
6 **particular instance, in which, Wyckoff**  
7 **Heights Medical Center advanced funds, by**  
8 **loan or otherwise, for debts of Caritas or**  
9 **its hospitals?**

10 A. Nothing specific.

11 MR. TZANETOPOULOS: If we can just  
12 mark this.

13 (Whereupon, a document was marked as  
14 Plaintiff's Exhibit 2 for identification.)

15 **Q. Mr. Garg, let me show you a document**  
16 **(handing.) which the court reporter has just**  
17 **marked as deposition exhibit number two. It's**  
18 **an affidavit of John Lavan from the Caritas**  
19 **bankruptcy proceedings.**

20 Mr. Garg, you can look at that as  
21 much as you'd like.

22 Where I have questions begins on Page  
23 11.

24 A. Right.  
25

23

1 you with these due to/due from logs, which  
2 were designed to record the value of benefits  
3 from one hospital to the other, for the  
4 express purpose of keeping track and having  
5 advances returned one way or the other.

6 MR. TZANETOPOULOS: Mr. Garg's  
7 testimony will be on the record. These long,  
8 speaking objections are inappropriate.

9 MR. LOUGHLIN: I want to make sure  
10 that the testimony is accurate. As you know  
11 from the testimony yesterday, and the  
12 documents that you have received, there was  
13 an initial, at a minimum, \$10 million loan  
14 advanced by Wyckoff Heights Medical Center to  
15 the startup effort of Mary Immaculate and  
16 St. John's.

17 MR. TZANETOPOULOS: Again, the  
18 speaking is entirely inappropriate.

19 MR. LOUGHLIN: Well, you don't  
20 dispute the accuracy of what I've said, do  
21 you?

22 MR. TZANETOPOULOS: I'm not going to  
23 argue with you. We're here for Mr. Garg's  
24 deposition.  
25

25

1 **Q. And, in particular, the passage**  
2 **beginning, with Heading G, Affiliate**  
3 **Obligations.**

4 A. Yeah.

5 **Q. Mr. Lavan's affidavit says that prior**  
6 **to January 1, 2007, in anticipation of cash**  
7 **flow and accounting system needs upon the**  
8 **acquisition of the Caritas hospitals, BQHC**  
9 **loaned Caritas \$1 million.**

10 **Is that correct?**

11 A. I can't say yes or no. I don't  
12 know.

13 **Q. Mr. Lavan's affidavit goes on to say,**  
14 **that Wyckoff Heights Medical Center entered**  
15 **into lease obligations for equipment provided**  
16 **to Caritas, with an approximate value of not**  
17 **less than \$3 million.**

18 **Is that correct?**

19 A. I don't know.

20 **Q. The affidavit goes on to say, in**  
21 **addition, approximately \$10 million is owed**  
22 **by Caritas to Wyckoff Heights Medical Center**  
23 **for services provided by Wyckoff Heights**  
24 **Medical Center employees to Caritas.**  
25



1 Is that correct?  
 2 A. I don't know.  
 3 MR. TZANETOPOULOS: Can you mark  
 4 that?  
 5 (Whereupon, a document was marked as  
 6 Plaintiff's Exhibit Number 3, for  
 7 identification.)  
 8 Mr. Garg, let me show you a document  
 9 that the court reporter has marked exhibit  
 10 number three.  
 11 Is exhibit three, a copy of the  
 12 audited financials for Wyckoff Heights  
 13 Medical Center for the year ended December  
 14 31, 2007?  
 15 A. Yes.  
 16 Q. Again, look at as much of it as you  
 17 like.  
 18 Where I will have questions, is on  
 19 Page 4, and then, again, on Page 30 for the  
 20 related notes.  
 21 And, in particular, where I would  
 22 like to direct your attention is under  
 23 Liabilities, and then Asset Deficiencies.  
 24 A. Okay.  
 25

26  
 27  
 1 Q. The second to last line, "Due to  
 2 related organizations."  
 3 A. Okay.  
 4 Q. See where I am?  
 5 A. Yes.  
 6 Q. And it makes a reference to Note  
 7 Nine. Take a minute, orient yourself, and  
 8 I'll ask my question, about Note Nine.  
 9 A. Okay. Note Number Nine, yeah.  
 10 Go ahead, sir.  
 11 Q. On Page 4?  
 12 A. You want Note Nine?  
 13 Q. Yeah, I'm sorry. Note Nine is on  
 14 Page 29, and continues onto Page 30.  
 15 A. Mm-hmm.  
 16 Q. Note 9F, Page 30 "...Financials  
 17 reflect amounts to/from Caritas, represent  
 18 the net transactions of funds exchanged..."  
 19 A. And where are we?  
 20 Q. We're on Page 30 now.  
 21 A. Okay, Page 30.  
 22 Q. 9F?  
 23 A. 9F.  
 24 Q. "...Reference to net transactions of  
 25

1 funds exchanged to/from Caritas of  
 2 approximately \$14 million..."  
 3 A. Mm-hmm.  
 4 Q. What, in general, were the  
 5 transactions that created that liability?  
 6 A. This is a liability, which Wyckoff  
 7 Heights Medical Center has to Caritas Health  
 8 Care.  
 9 Q. I think it goes the other way.  
 10 A. Yeah, that's right.  
 11 Q. You're the accountant.  
 12 A. I know there was an asset and a  
 13 liability, which offset each other, and one  
 14 of the provisions -- you see, if it's money  
 15 owed from Wyckoff Heights Medical Center to  
 16 Caritas Health Care, it should be under the  
 17 Asset column.  
 18 Yeah, there it is.  
 19 Due To, From Third Parties, Note  
 20 Number Two -- Note Number Nine.  
 21 Okay.  
 22 I'll tell you the way I understand  
 23 it.  
 24 Q. All right.  
 25

28  
 29  
 1 A. It is basically intercompany  
 2 accounting, between the two entities, nothing  
 3 specific, from what I remember, and there it  
 4 is: "...And has reserved 100 percent of the  
 5 balance..."  
 6 So that, I think, is pretty, I think,  
 7 self-explanatory.  
 8 Q. What liabilities of Caritas Health  
 9 Care -- let me ask a better question.  
 10 What is it, that Wyckoff Heights  
 11 Medical Center, did or paid for Caritas  
 12 Health Care that created this \$14 million  
 13 liability from Caritas Health Care to Wyckoff  
 14 Heights Medical Center?  
 15 A. I don't have specific knowledge.  
 16 Q. Any detail at all?  
 17 A. (No audible response.)  
 18 Q. You have to use words.  
 19 A. No, I'm sorry. I don't have any  
 20 knowledge at all of that. I just know it was  
 21 created, but I don't know the specifics.  
 22 Q. Has Wyckoff Heights Medical Center  
 23 made any payments to the American University  
 24 of the Caribbean, at any time after the  
 25

1 judgment was entered in favor of American  
2 University of the Caribbean and against  
3 Wyckoff Heights Medical Center?

4 A. I'm sorry, could you repeat the  
5 question?

6 Q. Sure, could you read that back?  
7 (Whereupon, the question was read back.)

8 A. No.

9 MR. TZANETOPOULOS: Let's mark this.  
10 (Whereupon, a document was marked as  
11 Plaintiff's Exhibit Number 4 for  
12 identification.)

13 Q. Mr. Garg, I am now handing you  
14 (handing.) what has been marked as  
15 Plaintiff's Exhibit Number 4, for  
16 identification.

17 It looks like an e-mail, and an  
18 attachment to that e-mail, dated March 6,  
19 2007, from Wa-Chung Hsu to Dominic Gio, and  
20 others.

21 Let me just state for the record,  
22 that to make this exhibit manageable, we've  
23 removed some of the material the Defendants  
24 have produced with this. I just want to make  
25

1 Did you review any of those in  
2 preparation for today's deposition?

3 A. I don't think so.

4 Q. So, if I show them to you, and then  
5 ask you to comment on their accuracy, would  
6 you be able to do so?

7 A. Do they say they are related to the  
8 period of time when I was CEO?

9 Q. Some do, some don't.

10 A. The ones that do, I would have more  
11 on, and the ones that don't, I don't.

12 Q. The ones from when you were CEO,  
13 could you describe those transactions?

14 A. I could attempt to describe them, but  
15 I'm not sure.

16 Q. What contracts has BQHC, as BQHC,  
17 entered into -- let me say that differently.

18 Please identify all of the contracts,  
19 into which, Brooklyn-Queens Health Care has  
20 entered, between 2006 to the present.

21 Q. I don't think any.

22 MR. TZANETOPOULOS: Let's mark this.  
23 (Whereupon, a document was marked as  
24 Plaintiff's Exhibit Number 5, for  
25

31

1 that clear, on the record.

2 Some of the attachments were very  
3 large spreadsheets, produced in native  
4 format. We've attached to the e-mail, only  
5 one of those native charts.

6 So, I'd like to recite the Bates  
7 Numbers, to make it clear. The e-mail itself  
8 is Bates Number BQHC06978 and the one  
9 attachment we've included in this exhibit is  
10 Bates Number BQHC06978-1.

11 I want to direct your attention to  
12 the chart. It reflects transactions to and  
13 from Wyckoff Heights Medical Center and  
14 Caritas.

15 Is the chart there, an accurate  
16 account of the transactions between the two?

17 A. I don't know.

18 Q. Mr. Garg, I bet we can speed this up,  
19 because I think I know the answers.

20 As Mr. Loughlin has said, the  
21 Defendants have produced in this case, a  
22 number of journals showing transactions going  
23 back and forth between Wyckoff Heights  
24 Medical Center and Caritas Health Care.  
25

33

1 identification.)

2 Q. Mr. Garg, let me show you (handing.)  
3 a document, which the court reporter has  
4 marked as Exhibit Number 5.

5 It says that it's an administrative  
6 services agreement, entered into by Brooklyn-  
7 Queens Health Care, Wyckoff Heights Medical  
8 Center, and Caritas Health Care, and JL  
9 Consulting.

10 If you look at the back, there are  
11 signature blocks, none of which are signed.

12 Did, in fact, BQHC engage JL  
13 Consulting, and, I think, this is Mr Lavan's  
14 company.

15 A. This is a difficult one to answer.

16 You have just put a document in front  
17 of me, but, in reality, from what I know, and  
18 from what I've experienced, BQHC doesn't do  
19 anything.

20 So, it can have a name on it, but I  
21 know about matters related to Wyckoff Heights  
22 Medical Center and Caritas Health Care.

23 BQHC is just a red herring, so to  
24 speak.  
25

1 There's your answer.  
2 **Q. Is there a final version of this**  
3 **agreement that was actually signed?**  
4 A. I have not the foggiest.  
5 **Q. Mr. Garg, why don't we talk about**  
6 **your background before we go on with the rest**  
7 **of the topics.**  
8 A. Okay.  
9 **Q. By training, what is your**  
10 **profession?**  
11 A. Accounting.  
12 **Q. Are you a CPA?**  
13 A. No.  
14 **Q. What accounting degrees do you hold?**  
15 A. I'm a CA from England.  
16 **Q. What's the highest level of education**  
17 **you hold?**  
18 A. I'm a graduate of the University of  
19 London.  
20 **Q. What's the short version of Rajiv**  
21 **Garg's C.V., from graduation to present?**  
22 A. Well, basically, I came out of  
23 accounting, joined Bankers Trust, spent eight  
24 years there, eight years at Credit Suisse,  
25

35  
1 bought and sold private equities.  
2 And just when I was going to take six  
3 months off, I was lured into being a trustee  
4 on the board of Wyckoff, and I'm still here.  
5 Very short.  
6 Not too many things in the middle.  
7 So, that's the sum total of my  
8 career.  
9 MR. TZANETOPOULOS: Let's mark this.  
10 (Whereupon, a document was marked as  
11 Plaintiff's Exhibit Number 6, for  
12 identification.)  
13 **Q. Mr. Garg, let me show you (handing.)**  
14 **a document, which the court reporter has**  
15 **marked as Exhibit Number 6.**  
16 It's entitled: "Caritas Health Care  
17 Inc. Weekly Cash Projections."  
18 Bates Number BQHC07605 through --  
19 that's the only Bates Number listed.  
20 Look at it as much as you like.  
21 The line I'm interested in is Prepaid  
22 Clerkships.  
23 A. Your question?  
24 **Q. Are you familiar with this type of**  
25

36  
1 **document?**  
2 A. Yes.  
3 **Q. All right. What is this document?**  
4 A. It's a document of cash -- actual  
5 cash budgeted.  
6 **Q. All right.**  
7 A. This one doesn't have budgets in it.  
8 And although it does say "projections," to  
9 the extent that it is in the past, it's an  
10 actual number.  
11 **Q. And the headings show actual and**  
12 **projected, at the top of the columns?**  
13 A. These are all actual. No projections  
14 in here.  
15 **Q. So when it says "actual," that's in**  
16 **the past, and "projection" is what was**  
17 **budgeted?**  
18 A. Yes.  
19 **Q. Okay. Who prepares these sorts of**  
20 **documents?**  
21 A. The finance department.  
22 **Q. And for the Caritas Health Care**  
23 **hospitals and the Wyckoff Heights Medical**  
24 **Center hospitals, are there different finance**  
25

37  
1 **departments that prepared these sorts of**  
2 **documents, or was it one finance department**  
3 **for both organizations?**  
4 A. There was some segregation of duties.  
5 I cannot say that it was truly separate.  
6 **Q. All right. As I said, the entries**  
7 **I'm interested in are the prepaid clerkships.**  
8 A. Yes.  
9 **Q. Is it correct, that the \$3.5 million**  
10 **entry under December 1st, is the \$3.5 million**  
11 **advanced by the American University of the**  
12 **Caribbean?**  
13 A. I don't know.  
14 **Q. And the \$5 million entry under**  
15 **December 29, for prepaid clerkships -- is**  
16 **that money advanced by Ross University?**  
17 A. Again, I wouldn't know. It could be.  
18 **Q. In the ordinary course of business,**  
19 **when a medical school makes a pre-payment**  
20 **under a medical clerkship contract --**  
21 A. Mm-hmm.  
22 **Q. -- how quickly is -- let me ask a**  
23 **better question.**  
24 **In the ordinary course of the board's**  
25

1 conducting their business, are periodic  
2 financial statements reviewed by boards?  
3 MR. LOUGHLIN: Objection. Could you  
4 specify whether you're talking about Wyckoff  
5 Heights Medical Center?

6 MR. TZANETOPOULOS: Sure. I'll go  
7 through each case.

8 Q. In the ordinary course of business of  
9 Wyckoff's board of trustees, does management  
10 present financial statements for the board to  
11 review?

12 A. Yes.

13 Q. Pretty much every meeting?

14 A. Yes.

15 Q. Is that also true, or was it also  
16 true, for the business of the Caritas Health  
17 Care board?

18 A. Financial statements were presented,  
19 but not as regularly.

20 Q. Were financial statements presented  
21 to -- let's start again.

22 In the ordinary course of its  
23 business, was -- try again.

24 MR. LOUGHLIN: Can I just ask for a  
25

1 A. Yes.

2 Q. And management would review, during  
3 the course of the meeting, the highlights of  
4 those statements?

5 A. Correct.

6 Q. So, board members had at their  
7 disposal, should they choose to look at them,  
8 the detailed financial statements?

9 A. Yes.

10 Q. In the ordinary course of business  
11 for the Brooklyn-Queens Health Care board,  
12 did management present BQHC financial  
13 statements to the Brooklyn-Queens Health Care  
14 board?

15 A. Not that I recall.

16 Q. Let's talk about the Wyckoff Heights  
17 Medical Center board proceedings then.

18 When Wyckoff Heights Medical Center  
19 entered into a contract, under which, a  
20 medical school prepaid, was receipt of those  
21 funds reflected in the financial information  
22 presented to the board?

23 A. Not specifically.

24 Q. And when Caritas Health Care received  
25

39

1 point of clarification?

2 MR. TZANETOPOULOS: Sure.

3 MR. LOUGHLIN: When you say financial  
4 statements, are you simply referring to  
5 financial information, or are you referring  
6 to unaudited or audited financial statements?

7 Q. Let me just ask that of Mr. Garg.

8 What sort of financial information  
9 was provided during Wyckoff's board  
10 meetings -- what financial information was  
11 presented?

12 A. Both audited and unaudited.

13 Q. Of financial statements, themselves?

14 A. It would take a form of a summary to  
15 the board, and detailed financial statements  
16 are on there for review, but we'd discuss the  
17 whole package -- the salient points.

18 Q. So, the board package is presented to  
19 the board, for Wyckoff Heights Medical Center  
20 board meetings, that would include the  
21 detailed financial statements either audited  
22 or unaudited?

23 A. Mm-hmm.

24 Q. Correct?  
25

41

1 funds under a medical school's prepaid  
2 clerkship contract, was the receipt of those  
3 funds, presented in the financial  
4 information, presented to the Caritas Health  
5 Care boards?

6 A. Not specifically.

7 Q. At any time, when you served on any  
8 of these boards, was a prepaid clerkship  
9 contract with the medical school ever  
10 produced to the board, for the board's  
11 approval or rejection?

12 A. No.

13 Q. That sort of thing was left to  
14 management?

15 A. Yeah, I think so. I think that was  
16 Tom Singleton's world.

17 (Whereupon, a short recess was taken.)

18 MR. TZANETOPOULOS: Let's mark this.  
19 (Whereupon, a document was marked as  
20 Plaintiff's Exhibit Number 7, for  
21 identification.)

22 MR. TZANETOPOULOS: And this.

23 (Whereupon, a document was marked as  
24 Plaintiff's Exhibit Number 8, for  
25

1 identification.)

2 **Q. Mr. Garg, let me show you (handing.)**  
3 **documents, which the court reporter has**  
4 **marked as Exhibits Number 7 and 8.**

5 **Is Exhibit Number 7 a copy of the**  
6 **unaudited financial statements of Wyckoff's**  
7 **properties, for the year ending December 31,**  
8 **2006?**

9 A. The Wyckoff Heights Medical Center  
10 ones appear to be.

11 **Q. And Wyckoff Heights Medical Center**  
12 **properties -- that's the former name of**  
13 **Brooklyn-Queens Health Care, is it not?**

14 A. I believe so.

15 A. And Exhibit 8 is the unaudited  
16 financial statements of Brooklyn-Queens  
17 Health Care, as of December 31, 2007,  
18 correct?

19 A. It says that. I don't know.

20 **Q. And Exhibit 7 -- 2006 financials, it**  
21 **shows that, as of December 31, 2006, Wyckoff**  
22 **Heights Medical Center properties has no**  
23 **assets, correct?**

24 A. Yeah.  
25

1 toward your questions -- but you do

2 understand, from my sworn testimony, that  
3 BQHC has never had a checking account.

4 So question away.

5 **Q. If I could direct your attention,**  
6 **Mr. Garg, to Exhibit Number 8, that's the**  
7 **2007 financials of BQHC, on the page with**  
8 **I.D. Number BQHC76, the statement of**  
9 **financial position.**

10 A. Yeah.

11 **Q. On the right hand column, it shows a**  
12 **loan payable for about a million-nine, and a**  
13 **little bit.**

14 A. Mm-hmm.

15 **Q. And then due to related**  
16 **organizations, a million-six, or so, actual**  
17 **to BQHC credit, if I'm reading these this**  
18 **right.**

19 **This financial statement reflects**  
20 **that Brooklyn-Queens Health Care owes**  
21 **somebody for a loan, a little bit over \$1.9**  
22 **million, correct?**

23 A. That's what it shows, yeah.

24 **Q. And it shows that somebody owes**  
25

43  
1 **Q. Has Wyckoff Heights Medical Center**  
2 **properties, or in its new name, Brooklyn-**  
3 **Queens Health Care, ever had assets?**

4 A. Not that I believe.

5 **Q. Has it ever had a bank account?**

6 A. I don't know.

7 **Q. Does it presently have one?**

8 A. Unfortunately, the answer to that  
9 question is: I don't know.

10 **Q. If you go to the fourth page, the one**  
11 **with identification number BQHC95.**

12 A. Okay, I see.

13 **Q. It shows as expenses, a salary being**  
14 **paid.**

15 **To whom was that salary paid?**

16 A. To recall a previous answer, I have  
17 not the foggiest.

18 **Q. Do you know who paid the salary?**

19 A. I have absolutely no idea.

20 **Q. Are there any records about that?**

21 A. I don't know, sir.

22 **Q. It gets even better the next year.**

23 MR. HOFFMAN: You can ask all the  
24 questions you want, and I bear no hostility  
25

45  
1 **Brooklyn-Queens Health Care almost a million-**  
2 **seven?**

3 A. As an officer, yes.

4 **Q. What are these loan transactions?**

5 A. I do not know. I cannot tell you. I  
6 have never come across it.

7 **Q. Do you have any idea why anyone would**  
8 **be writing loans through Brooklyn-Queens**  
9 **Health Care?**

10 A. I think you would have to ask the  
11 wisdom which prevailed at that time.

12 I do not know.

13 **Q. If we go back to Exhibit 3 for just a**  
14 **moment, while we're here.**

15 A. Yep.

16 **Q. Wyckoff Heights Medical Center**  
17 **audited financials?**

18 A. Yes.

19 **Q. I'll just take you back to Page 30,**  
20 **which has the notes.**

21 A. Yeah.

22 **Q. Exhibit G, or note 9G.**

23 A. I see.

24 **Q. On Page 30, it says says the net**  
25



1 amount due to BQHC, represents the personal  
2 services provided by the medical center to  
3 the parking lot --

4 MR. LOUGHLIN: Personnel.  
5 (Whereupon, an off-the-record  
6 discussion was held.)

7 Q. Note 9G reflects that the net amount  
8 due to BQHC -- represents the personnel  
9 services parking lot and a loan of \$1.9 from  
10 BQHC.

11 See where I am?

12 A. Mm-hmm.

13 Q. Where did BQHC get a million-nine to  
14 lend to Wyckoff Heights Medical Center?

15 A. I cannot tell you.

16 Q. Do you agree that the audited  
17 financials suggests that that loan occurred?

18 A. Yes. A loan is a loan.

19 But this would be like a balance  
20 sheet transfer. Nothing more.

21 Q. What personnel services were provided  
22 by Brooklyn-Queens Health Care to Wyckoff  
23 Heights Medical Center?

24 A. I can hazard a guess, because since  
25

1 A. Yes.

2 Q. My questions begin at Page 4.

3 A. Yeah.

4 Q. And in particular, the report of the  
5 chief's restructuring.

6 A. Yeah.

7 Q. Take a minute, review that, and I'll  
8 have a question or two.

9 A. Okay.

10 Q. The minutes discuss Mr. Singleton's  
11 report, that employees from Wyckoff Heights  
12 Medical Center were transferred to the  
13 Caritas Health Care payroll.

14 Which employees were transferred?

15 A. I don't know.

16 Q. Who approved the transfers?

17 A. To hazard a guess, Tom Singleton.

18 Q. For what purpose were they  
19 transferred?

20 A. I don't know -- apart from what is  
21 written in the notes. Nothing I can add to  
22 it.

23 Q. Do you know anything at all about  
24 this transfer of employees?  
25

47

1 you're talking about a parking lot, it must  
2 be people who work in the parking lot.

3 Q. Let's go now to topic number 7. The  
4 notice asks for information concerning loans  
5 we've talked about that, transfer of assets,  
6 we've talked about that, it also talks about  
7 transfer of employees between entities.

8 Is it the case that employees of BQHC  
9 or Caritas Health Care or Wyckoff Heights  
10 Medical Center were transferred between  
11 payrolls of entities during the period of  
12 2006 to the present?

13 A. I definitely know nothing about  
14 BQHC. I've heard about payroll assignments,  
15 but nothing of transfers.

16 MR. TZANETOPOULOS: Let's mark this.  
17 (Whereupon, a document was marked as  
18 Plaintiff's Exhibit Number 9, for  
19 identification.)

20 Q. Mr. Garg, let me show you (handing.)  
21 a document, which the court reporter has  
22 marked as Exhibit Number 9.

23 Is exhibit nine a copy of the minutes  
24 from the January 10, 2000 board meeting?  
25

1 A. I know, from what I read here.

2 Q. Other than reading the document I  
3 show you, do you know anything about this?

4 A. No.

5 Q. Okay.

6 MR. LOUGHLIN: I'll just note  
7 parenthetically, as you can see from the  
8 first page, Mr. Garg was not there, then.

9 Q. I believe it predates Mr. Garg's  
10 time, but the 30(b)(6) asks for the  
11 corporation's knowledge.

12 MR. TZANETOPOULOS: Let's mark this  
13 next.

14 (Whereupon, a document was marked as  
15 Plaintiff's Exhibit Number 10, for  
16 identification.)

17 Q. Mr. Garg, let me show you (handing.)  
18 a document, which the court reporter has  
19 marked as Exhibit Number 10.

20 Exhibit 10 is the minutes from the  
21 Wyckoff Heights Medical Center board  
22 November 1, 2007 meeting.

23 A. Mm-hmm.

24 Q. I have questions about the discussion  
25

49

1 on Page 3.  
2 A. Yes.  
3 Q. The first full paragraph reads that  
4 Mr. Gio inquired as to whether or not we have  
5 backup plans.  
6 Mr. Singleton replied that we do.  
7 He stated that a meeting will be  
8 scheduled with Local 1199 to see if they  
9 allow us to move the employees from Wyckoff  
10 Heights Medical Center payroll to Caritas  
11 Health Care payroll.  
12 See?  
13 A. Mm-hmm.  
14 Q. Was that transfer of payrolls between  
15 Caritas Health Care and Wyckoff Heights  
16 Medical Center done?  
17 A. I cannot answer, because I don't know  
18 the answer.  
19 Q. Do you know why it was proposed?  
20 A. No, sir.  
21 MR. TZANETOPOULOS: Let's mark this  
22 next.  
23 (Whereupon, a document was marked as  
24 Plaintiff's Exhibit Number 11, for  
25

51  
1 identification.)  
2 Q. Mr. Garg, let me show you (handing.)  
3 a document, which the court reporter has  
4 marked as Exhibit Number 11.  
5 It appears to be an e-mail from  
6 Edward Dowling to Wa Chung Hsu, and several  
7 others, and an attachment.  
8 Once again, so the record is clear, I  
9 believe several attachments were produced  
10 natively.  
11 In order to keep the document  
12 management, we have made a selection -- Bates  
13 Numbers defining these attachments, run from  
14 BQHC7617 through BQHC7623.  
15 Do you know Mr. Dowling?  
16 A. Yes.  
17 Q. I take it he goes by "Buzz?"  
18 A. Correct.  
19 Q. Is Mr. Dowling still employed here?  
20 A. No.  
21 Q. When did he leave?  
22 A. Somewhere in 2009.  
23 A. What was Mr. Dowling's job?  
24 Q. I don't think he had a job.  
25

52  
1 A. You are so kind.  
2 MR. LOUGHLIN: What are you saying?  
3 A. You want me to tell the truth? This  
4 is why I'm here.  
5 MR. HOFFMAN: This is all on the  
6 record.  
7 THE WITNESS: Yeah.  
8 Q. What did Mr. Dowling do for the  
9 hospital?  
10 A. He was, like, planning stuff.  
11 Q. I take it you didn't think highly of  
12 his work.  
13 A. No answer.  
14 Q. Mr. Hsu, is he still at the hospital?  
15 A. No.  
16 Q. When did he leave?  
17 A. I think, 2009.  
18 Q. What was his job?  
19 A. Chief Financial Officer.  
20 Q. All right. The attachment to Exhibit  
21 11, first attachment, is entitled, "Caritas  
22 Health Care Organization Period and Startup."  
23 A. Mm-hmm.  
24 Q. And, if you go down to the second  
25

53  
1 heading, Anticipated Potential Periods of  
2 Cash Shortage --  
3 A. Right.  
4 Q. -- there's discussion of anticipated  
5 cash shortage --  
6 A. Mm-hmm.  
7 Q. -- midway through the statement that  
8 Wyckoff Heights Medical Center had a  
9 longstanding relationships with two  
10 international medical schools, that had  
11 expressed interest in investing in the  
12 Caritas Health Care Project.  
13 These prepaid cash flows and  
14 preclosing cash needs were expected to be  
15 funded and were funded, with Caritas Health  
16 Care prepaid clerkship fees.  
17 Caritas Health Care received \$3.5  
18 million from American University of the  
19 Caribbean on December 1st, and \$5 million  
20 from Ross University on December 28th.  
21 A. Hmm.  
22 Q. Have you had discussions with anybody  
23 about Wyckoff's plans or BQHC's plans for use  
24 of the prepaid money that's discussed here?  
25



1 A. No.  
2 **Q. Was there, at some point in time, a**  
3 **central business office?**  
4 A. Yes.  
5 **Q. Has it been closed?**  
6 A. Yes.  
7 **Q. When was it closed?**  
8 A. Somewhere -- I would think, somewhere  
9 late '09, early '10.  
10 **Q. Why was it closed?**  
11 A. Because the two hospitals would no  
12 longer be around.  
13 **Q. The two hospitals are St. John's and**  
14 **Mary Immaculate?**  
15 A. Correct.  
16 **Q. Mr. Garg, I've showed you, and we**  
17 **have discussed transfer of management**  
18 **employees from the payroll of Wyckoff Heights**  
19 **Medical Center to the payroll of Caritas**  
20 **Health Care.**  
21 I've also showed you minutes that  
22 discuss the transfer of union employees from  
23 the payroll of Wyckoff Heights Medical Center  
24 to Caritas Health Care.  
25

1 MR. TZANETOPOULOS: Let's mark this.  
2 (Whereupon, a document was marked as  
3 Plaintiff's Exhibit Number 12, for  
4 identification.)  
5 **Q. Mr. Garg, let me show you (handing.)**  
6 **a document, which the court reporter has**  
7 **marked as Exhibit Number 12.**  
8 **It is Defendant Wyckoff Heights Medical**  
9 **Center's responses and objections.**  
10 **Is this a document that you have ever**  
11 **seen before today?**  
12 A. No, sir.  
13 **Q. If I can direct your attention to**  
14 **Page 3, again, my question is about Page 3.**  
15 A. Yeah.  
16 **Q. And the answer at Answer A --**  
17 **A. Hmm.**  
18 **Q. -- the answer recites that the**  
19 **current maximum number of medical students**  
20 **that Wyckoff Heights Medical Center has the**  
21 **capacity to provide clerkships, at any one**  
22 **time, is 406.**  
23 **Do you know how that number was**  
24 **calculated?**  
25

55

1 A. Right.  
2 **Q. Does the hospital have information**  
3 **other than those two sets of minutes**  
4 **concerning those transfers?**  
5 A. Not to my knowledge.  
6 **Q. Were there transfers of employees**  
7 **from payrolls of one entity to the other,**  
8 **other than discussed in these minutes?**  
9 A. Not to my knowledge.  
10 **Q. Did you do anything to check, before**  
11 **today's deposition?**  
12 A. No.  
13 (Whereupon, a short recess was taken.)  
14 **Q. Let's just go back to the topics.**  
15 A. Yeah.  
16 **Q. Topic 6 asks for information about**  
17 **BQHC's assets from 2006 to the present.**  
18 **Let's start with the present.**  
19 **Does BQHC have any assets?**  
20 A. I really don't know. I can look it  
21 up, but I don't know.  
22 **Q. Has it ever had assets?**  
23 A. Not that I know. It's supposed to be  
24 a passive entity.  
25

57

1 A. I can tell you the logic, which, I  
2 understand, works.  
3 There's a required ratio of 8 to 1,  
4 doctor to student.  
5 We take a mix of residents and  
6 students we have, and calculate the volume of  
7 regular work.  
8 Those three combined give you a basis  
9 for the total number of clerkships we can  
10 process.  
11 That's how it's done.  
12 **Q. Do you know, if, in this case, that's**  
13 **how it was done?**  
14 A. I would expect so.  
15 MR. LOUGHLIN: I would just add, that  
16 the actual work done in preparing this answer  
17 was done by Julius Romero, who's a witness,  
18 whose deposition, I know you're taking.  
19 THE WITNESS: Oh, he will know.  
20 MR. TZANETOPOULOS: How helpful. I  
21 thank you both. I'll ask Mr. Romero.  
22 **Q. Topic Number 4 on this 30(b)(6)**  
23 **notice, is the information in the Defendant's**  
24 **possession, concerning document-holds, and**  
25

1 the effort to acquire information in  
2 discovery in this case.

3 Who was asked to gather information  
4 to respond to the Plaintiff's discovery  
5 requests?

6 A. I would presume David Hoffman.

7 Q. Other than stating Mr. Hoffman, do  
8 you know anything else about information  
9 collection in this case?

10 A. Not particularly, no.

11 Q. All right. Let's skip up to the very  
12 top, Number 1, which is the decision by BQHC  
13 and Wyckoff Heights Medical Center not to  
14 provide replacement clerkships to Ross  
15 University, after the hospitals closed.

16 Who made that decision?

17 A. I guess the answer is going to be two  
18 or three-pronged.

19 First of all, BQHC does not enter  
20 into the discussion regarding providing  
21 clerkships.

22 Second answer is, Wyckoff Heights  
23 Medical Center, and its decision not to  
24 provide clerkships, was a function of two  
25

1 whether you did?

2 A. What?

3 Q. Do you have a recollection, one way  
4 or the other, whether you looked at the cash  
5 back documents, before making the decision?

6 A. I said, I looked at them. Yes.

7 Q. Did you consult with counsel, before  
8 making the decision?

9 A. Yes.

10 Q. Which counsel?

11 A. David.

12 Q. Any others?

13 A. No.

14 Q. Other than Mr. Hoffman, did you  
15 discuss the decision not to provide  
16 replacement clerkships with anybody else,  
17 before making that decision?

18 A. I had discussions with the client,  
19 Ross University.

20 Q. Anybody else?

21 A. No.

22 Q. With whom did you talk at Ross?

23 A. Tom Shepherd, Nancy Perri and Bill  
24 Hughson.  
25

59  
1 pieces.

2 One is capacity to take in people --  
3 and Wyckoff Heights Medical Center has no  
4 obligation to provide those clerkships.

5 Q. My question was a little simpler.

6 Who made the decision?

7 A. The decision is finally made by me.

8 Q. Before you decided not to provide  
9 replacement clerkships to Ross, after the  
10 hospitals closed, did you review the contract  
11 documents with Ross?

12 MR. LOUGHLIN: Objection. Now you're  
13 treading on attorney-client privilege.

14 MR. TZANETOPOULOS: It doesn't at  
15 all. I asked him if he reviewed the  
16 contracts. I didn't ask him for what his  
17 lawyers said to him or what he said to his  
18 lawyers.

19 MR. LOUGHLIN: You can answer. I  
20 assume, what you mean is the affiliation  
21 agreement and...

22 MR. TZANETOPOULOS: Its amendments.

23 A. I might have looked at them, yes.

24 Q. Do you know one way or the other,  
25

61  
1 Q. When did you have discussions with  
2 Mr. Shepherd?

3 MR. LOUGHLIN: In relation to?

4 MR. TZANETOPOULOS: Let me make my  
5 question clear, Mr. Loughlin. He raises a  
6 good point.

7 Q. For present purposes, what I'd like  
8 to talk about, is discussions in and around  
9 February of 2009, either before you decided  
10 not to provide replacement clerkships, or,  
11 immediately thereafter.

12 Did you have discussions with people  
13 at Ross in that time frame?

14 A. I don't remember.

15 MR. LOUGHLIN: Just to interject, as  
16 a way of fixing the time period, this is also  
17 around the time the closing of the Caritas  
18 Health Care hospitals.

19 A. I think it was later than that.

20 Most recently, it was a few days ago.

21 Q. Let me help orient time.

22 I came to the hospital, along with  
23 Mr. Shepherd once, when the two of you  
24 talked, about a year ago.  
25

2831

1 Before that meeting, had you had  
2 discussions with anybody at Ross about not  
3 providing the slots?

4 A. Not that I recall. Maybe I did, but  
5 I'm not sure.

6 Q. When you had discussions a few days  
7 ago, with whom did you speak?

8 A. Bill Hughson.

9 Q. Other than the chat with Mr. Hughson  
10 a few days ago, and Dr. Shepherd, perhaps a  
11 year ago, have you spoken with anybody else  
12 at Ross about not providing replacement  
13 clerkships?

14 A. I spoke to Tom Shepherd at the  
15 off-site, which, I think, also happened  
16 earlier this year, and before that, in  
17 Chicago with Nancy Perri at the state board  
18 meeting.

19 Q. Are those all the discussions you've  
20 had with Ross?

21 A. Yes.

22 Q. Mr. Garg, your attorneys have handed  
23 me a document entitled, "Wyckoff Heights  
24 Medical Center Board Members."  
25

1 Q. Other than what is reflected in that  
2 document, and what you testified to earlier,  
3 do you have any other information about the  
4 names and dates of services of trustees of  
5 the other boards?

6 A. No, sir.

7 Q. Do you have any other information  
8 about names and dates of services of the  
9 corporate officers at BQHC, Wyckoff Heights  
10 Medical Center, or Caritas Health Care?

11 A. No.

12 Q. Do you have any other information as  
13 to which entity paid those corporate  
14 officers?

15 A. No.

16 Q. Mr. Garg, Wyckoff Heights Medical  
17 Center does, presently, does it not -- enter  
18 into contracts with medical schools, who pay  
19 when Wyckoff Heights Medical Center provides  
20 clerkships to the school students?

21 A. Yes.

22 Q. When Wyckoff Heights Medical Center  
23 enters into contracts with medical schools to  
24 provide clerkships here, who signs those  
25

63

1 Let's go ahead and mark it.  
2 (Whereupon, a document was marked as  
3 Plaintiff's Exhibit Number 13, for  
4 identification.)

5 MR. LOUGHLIN: I'll just add, this  
6 document was provided in response to the  
7 topic, in the 30(b)(6) notice topic number  
8 10, and in addition as a response to  
9 questions which were put to the witness,  
10 asking him to identify the names of members  
11 of the board of trustees, and the dates of  
12 their service from 2006 to the present.

13 Q. Mr. Garg, let me show you (handing.)  
14 a document, which the court reporter has  
15 marked as Exhibit Number 13.

16 Is that a business record of the  
17 hospital?

18 A. Yes.

19 Q. Does it show, accurately, the names  
20 and dates of service of the Wyckoff Heights  
21 Medical Center board members?

22 A. I believe so.

23 Q. I'm sorry?

24 A. I believe so.  
25

65

1 contracts on behalf of Wyckoff Heights  
2 Medical Center?

3 A. Now, I do.

4 Q. Is it always the case, that you sign  
5 contracts with medical schools, or only  
6 sometimes?

7 A. Not after I joined as the CEO, at  
8 least not to my knowledge.

9 Q. So, to your knowledge, since you've  
10 been CEO, if there's a contract with a  
11 medical school for clerkships, you're the  
12 person who signs, right?

13 A. Correct.

14 Q. When you enter into those contracts  
15 to provide clerkships to medical schools, do  
16 you first seek board approval for those  
17 contracts?

18 A. It depends on the size of the  
19 contract.

20 Q. At what level of contract, do you  
21 seek board approval?

22 A. It's a bottomless denominator. It  
23 depends on the amount of money, the amount of  
24 conditions attached, what kind of future  
25

1 exposure the medical center would have, if  
2 signed.

3 **Q. Are there policies at Wyckoff Heights  
4 Medical Center, about when it is you must  
5 seek board approval for contracts?**

6 A. Yes, yes.

7 **Q. Are those policies in writing?**

8 A. I believe so, yes.

9 **Q. In instances where you have sought  
10 board approval for medical school clerkship  
11 contracts, is the board's decision -- let's  
12 start again.**

13 In instances where you have sought  
14 board approval for a medical school clerkship  
15 contract, do the board minutes reflect that  
16 you have presented the contract for  
17 approval?

18 A. They normally would.

19 **Q. And the Board's decisions about  
20 approval or not, are those decisions  
21 reflected in the board minutes?**

22 A. Should be.

23 **Q. So, in the ordinary course of the  
24 board's business, if the board's minutes are  
25**

1 **have closed in February or March of 2009.**

2 A. Mm-hmm.

3 (Whereupon, a break was taken to address  
4 a possible water leak in the deposition  
5 room.)

6 **Q. During that period of time did you  
7 have discussions with anybody in the  
8 hospital, other than counsel, about what to  
9 do with respect to the medical schools  
10 clerkship contracts, and the promise to  
11 provide clerkships at Caritas Health Care?**

12 A. To the State.

13 **Q. With whom did you speak there?**

14 A. Oh, that's a big meeting.

15 I don't recall exactly, but I think  
16 Jim Klein.

17 **Q. In substance, what was the discussion  
18 regarding the medical school clerkships?**

19 A. That Wyckoff Heights Medical Center  
20 is not liable for these things, and we need  
21 to find a solution.

22 MR. TZANETOPOULOS: Let's mark this  
23 one.

24 (Whereupon, a document was marked as  
25

1 silent as to presentation or approval or  
2 disapproval, most likely it is the case, that  
3 the board was not presented with a contract,  
4 correct?

5 MR. LOUGHLIN: Objection to form.

6 MR. TZANETOPOULOS: You can answer.

7 MR. LOUGHLIN: You can answer it --  
8 if you can.

9 A. I really cannot answer this.

10 It's a unique question.

11 **Q. How many times have you presented a  
12 medical school contract to the board for  
13 approval?**

14 A. I don't know.

15 **Q. Whose job is it at the hospital to do  
16 the negotiating with medical schools for  
17 clerkship contracts?**

18 A. Julius Romero.

19 **Q. And, at least your throughout your  
20 time here at the hospital, has that always  
21 been Mr. Romero's job?**

22 A. Yes.

23 **Q. To help orient you sir, I will tell  
24 you that I believe Caritas Health Care was to  
25**

1 Plaintiff's Exhibit Number 14, for  
2 identification.)

3 **Q. Mr. Garg, let me show you (handing.)  
4 a document, which the court reporter has  
5 marked as Exhibit Number 14.**

6 A. Right.

7 **Q. Is that a document with which you are  
8 familiar?**

9 A. No.

10 **Q. Do you know its purpose?**

11 A. It states the purpose. Some sort of  
12 closure plan.

13 **Q. Was such a plan filed with the State?**

14 A. I think so.

15 **Q. This one shows that this is a draft.  
16 Is there a final plan, filed with the State?**

17 A. I wouldn't know. I would presume so.

18 **Q. Who here, would know about that?**

19 A. Mr. John Lavan.

20 **Q. Just to observe, it is actually  
21 marked as "Draft Final," which is sort of  
22 definitionally ambiguous, as to whether this  
23 a final --**

24 A. Or a draft.  
25

1 Q. Do we know if this is the final  
2 version?  
3 MR. LOUGHLIN: Objection.  
4 MR. HOFFMAN: I just don't know if  
5 the witness can answer that. He can try.  
6 A. No. I cannot answer that.  
7 (Whereupon, an off-the-record discussion  
8 was held.)  
9 MR. TZANETOPOULOS: Can we mark this  
10 one?  
11 (Whereupon, a document was marked as  
12 Plaintiff's Exhibit Number 15, for  
13 identification.)  
14 Q. Mr. Garg, let me show you (handing.)  
15 a document, which the court reporter has  
16 marked as Exhibit Number 15.  
17 Exhibit 15 is, is it not, the minutes  
18 from the Brooklyn-Queens Health Care Board of  
19 Trustees meeting of March 5, 2009?  
20 MR. LOUGHLIN: Which Rucigay Exhibit  
21 is this?  
22 MR. TZANETOPOULOS: Twenty-five.  
23 Q. At the bottom of Page 3,  
24 Mr. Rucigay -- it recites, at least, that  
25

1 A. Yes.  
2 Q. The second full paragraph recites  
3 that you advised the board members that there  
4 was a need for a new Tax I.D. Number for  
5 BQHC.  
6 And if we go to the second page,  
7 toward the bottom, where it picks up -- mr.  
8 Garg mentioned that there was an opportunity  
9 to raise working capital for approximately \$4  
10 million through the financing of certain BQHC  
11 and, or, Wyckoff Heights Medical Center  
12 properties, and then a resolution about  
13 transferring all ancillary properties to a  
14 new holding company.  
15 What was the purpose of creating a  
16 new corporation?  
17 A. To do a new Tax I.D., I think, there  
18 was a confusion about BQHC, and the previous  
19 company, Wyckoff Properties, or whatever it  
20 was, and I just said we should clear the  
21 slate, and do a separate Tax I.D. for BQHC.  
22 (BREAK FOR JURAT)  
23  
24  
25

71

1 Mr. Rucigay stated that there are three  
2 issues we will concern ourselves and follow  
3 up on: Ross University Medical Center, and  
4 the pension issue.  
5 What was discussed at that meeting  
6 concerning Ross University?  
7 A. I have no recollection. It's a long  
8 time ago.  
9 Q. Do you keep notes from the board  
10 meetings?  
11 A. I do, if I need to.  
12 (Whereupon, a recess was taken to address  
13 the possible leak in the deposition room.)  
14 MR. TZANETOPOULOS: Let's mark this  
15 next.  
16 (Whereupon, a document was marked as  
17 Plaintiff's Exhibit Number 16, for  
18 identification.)  
19 Q. Mr. Garg, let me show you (handing.)  
20 a document, which the court reporter has  
21 marked as Exhibit Number 16.  
22 A. Right.  
23 Q. That's the minutes January 8, 2009  
24 Brooklyn-Queens Health Care meeting, correct?  
25

73

1 Q. Was that, in fact, done?  
2 A. I don't think so.  
3 Q. Those are all the questions I have  
4 for Mr. Garg, at this time.  
5 (Whereupon, the deposition of Ragiv Garg  
6 was concluded at 1:33 p.m.)  
7 -o0o-

8 I have read the foregoing record of  
9 my testimony taken at the time and place  
10 noted in the above heading hereof, and I do  
11 hereby acknowledge it to be a true and  
12 correct transcript of the same.  
13

14 **RAJIV GARG**

15 Signed and subscribed to before me  
16 this \_\_\_\_ day of \_\_\_\_, 20\_\_

17  
18 **NOTARY PUBLIC**  
19  
20  
21  
22  
23  
24  
25

EXHIBIT INDEX

Plaintiff's Exhibit	Page
1	15
2	24
3	26
4	30
5	32
6	35
7	41
8	41
9	47
10	49
11	50
12	56
13	63
14	68
15	70
16	71

ERRATA SHEET

CORRECTION PAGE LINE

CERTIFICATION

I, PAUL GOLDSTEIN, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the witness(es) whose testimony is herein before set forth was duly sworn or affirmed by me, and the foregoing transcript is a true record of the testimony given by such witness(es).

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

-----  
PAUL GOLDSTEIN



A	American 29:23	52:21	Bill 60:23 62:8
able 32:6	30:1 37:11 53:18	attachments 31:2	bishop 18:15
above-mentioned	amount 46:1,7	51:9,13	bit 21:2 44:13,21
1:20	65:23,23	attempt 32:14	blocks 33:11
absolutely 43:19	amounts 27:17	attend 17:4	blood 75:14
accommodate 9:8	ancillary 72:13	attendance 4:2	board 12:6,14
accompanied 4:16	and/or 3:9	attention 15:14	13:15 14:3 16:1
account 31:16 43:5	answer 3:12,19 4:5	26:22 31:11 44:5	16:21,24 17:2,8
44:3	4:14,15,16,19	56:13	35:4 38:9,10,17
accountant 28:11	9:2 10:8 11:7	attorney 3:21 4:13	39:9,15,18,19,20
accounting 20:4,8	18:9 22:1 33:15	4:22 5:18 6:1	40:6,11,14,17,22
25:7 29:2 34:11	34:1 43:8,16	attorneys 2:6,10	41:10 47:24
34:14,23	50:17,18 52:13	3:4 62:22	49:21 62:17,24
accuracy 23:20	56:16,16,18	attorney-client	63:11,21 65:16
32:5	57:16 58:17,22	59:13	65:21 66:5,10,14
accurate 23:10	59:19 67:6,7,9	audible 8:6,24	66:15,21 67:3,12
31:15	70:5,6	13:18 29:17	70:18 71:9 72:3
accurately 63:19	answered 4:11 5:3	audited 26:12 39:6	boards 38:2 41:5,8
acknowledge 73:11	answers 8:17 31:19	39:12,21 45:17	64:5
acquire 58:1	anticipated 53:1,4	46:16	board's 37:24
acquisition 25:8	anticipation 25:6	Avenue 2:10	41:10 66:11,19
action 5:12 75:13	anybody 10:1,4,10	a.m 1:14	66:24,24
actual 36:4,10,11	10:14 53:22		bottom 15:20 70:23
36:13,15 44:16	60:16,20 62:2,11	<b>B</b>	72:7
57:16	68:7	b 3:9	bottomless 65:22
add 21:1 48:21	anyway 18:8	back 17:3 19:8	bought 35:1
57:15 63:5	apart 48:20	30:6,7 31:23	BQHC 14:19 15:24
addition 25:21	appear 42:10	33:10 45:13,19	16:15,22 18:20
63:8	appears 51:5	55:14 60:5	18:21 19:13,19
address 17:12 68:3	apply 3:15	background 34:6	22:4,5,11 25:8
71:12	appropriate 3:15	backup 50:5	32:16,16 33:12
administrative	approval 41:11	bad 18:16	33:18,23 40:12
33:5	65:16,21 66:5,10	BAKER 2:6	44:3,7,17 46:1,8
advanced 20:3	66:14,17,20 67:1	balance 29:5 46:19	46:10,13 47:8,14
21:21 22:9,15	67:13	bank 43:5	55:19 58:12,19
23:14 24:7 37:11	approved 48:16	Bankers 34:23	64:9 72:5,10,18
37:16	approximate 25:16	bankruptcy 24:19	72:21
advances 22:22	approximately	bar 5:10	BQHC's 53:23 55:17
23:5	25:21 28:2 72:9	basically 29:1	BQHC06978 31:8
advised 72:3	April 12:7,15	34:22	BQHC06978-1 31:10
affidavit 24:18	Arcuri 16:17,21	basis 3:23 4:18	BQHC07605 35:18
25:5,13,20	argue 23:23	57:8	BQHC76 44:8
Affiliate 25:2	Article 1:18 3:16	Bates 31:6,8,10	BQHC7617 51:14
affiliation 14:14	asked 10:9 20:11	35:18,19 51:12	BQHC7623 51:14
14:18 59:20	58:3 59:15	bear 43:24	BQHC95 43:11
affirmed 75:9	asking 8:16 63:10	beginning 25:2	break 9:7 68:3
ago 61:20,24 62:7	asks 15:22 19:11	begins 24:22	72:22
62:10,11 71:8	47:4 49:10 55:16	behalf 5:18 7:23	Brooklyn 1:12 2:15
agree 46:16	asset 26:23 28:12	65:1	12:22 33:6 43:2
AGREED 3:3	28:17	believe 15:12	Brooklyn-Queens
agreement 14:14,18	assets 42:23 43:3	42:14 43:4 49:9	1:8 7:14 9:11
14:23 33:6 34:3	47:5 55:17,19,22	51:9 63:22,24	10:14 12:19 13:4
59:21	assignments 47:14	66:8 67:24	13:9,17 14:5,16
ahead 27:10 63:1	assist 19:6	benefits 23:2	16:5 18:11 19:24
allow 50:9	assume 59:20	best 13:3 18:9	20:17,23 21:7
ambiguous 69:22	attached 31:4	bet 31:18	32:19 40:11,13
amendments 14:22	65:24	better 29:9 37:23	42:13,16 44:20
59:22	attachment 30:18	43:22	45:1,8 46:22
	31:9 51:7 52:20	big 68:14	70:18 71:24



budgeted 36:5, 17	case 7:9, 16 20:14	clarification 39:1	12:15
budgets 36:7	31:21 38:7 47:8	clear 3:21 4:17	contract 8:10, 12
business 37:18	57:12 58:2, 9	31:1, 7 51:8 61:5	37:20 40:19 41:2
38:1, 8, 16, 23	65:4 67:2	72:20	41:9 59:10 65:10
40:10 54:3 63:16	cases 8:5, 7	Clearly 5:7	65:19, 20 66:15
66:24	cash 21:9 25:6	clerkship 37:20	66:16 67:3, 12
Buzz 51:17	35:17 36:4, 5	41:2, 8 53:16	contracts 32:16, 18
	53:2, 5, 13, 14	66:10, 14 67:17	59:16 64:18, 23
	60:4	68:10	65:1, 5, 14, 17
C	cashbox 21:4	clerkships 35:22	66:5, 11 67:17
c 2:2 3:9 75:2, 2	cause 4:11	37:7, 15 56:21	68:10
CA 34:15	ceased 13:3	57:9 58:14, 21, 24	controlled 5:21
calculate 10:19	ceasing 13:8	59:4, 9 60:16	copy 6:3 26:11
57:6	center 1:9 2:13	61:10 62:13	42:5 47:23
calculated 56:24	7:16 9:12 10:5	64:20, 24 65:11	corporate 13:16
capacities 17:5	12:2 19:23 20:6	65:15 68:11, 18	14:10 64:9, 13
capacity 7:19	20:12, 16, 21 21:6	client 60:18	corporation 72:16
56:21 59:2	21:16, 21 22:9, 14	close 11:18	corporation's
capital 72:9	23:14 24:7 25:14	closed 54:5, 7, 10	49:11
Care 1:8 7:15 9:12	25:22, 24 26:13	58:15 59:10 68:1	correct 14:9 20:24
10:15 12:19, 23	28:7, 15 29:11, 14	closing 61:17	22:1, 8, 13, 19
13:4, 9, 17 14:1, 4	29:22 30:3 31:13	closure 69:12	25:10, 18 26:1
14:6, 11, 16 16:5	31:24 33:8, 22	collection 58:9	37:9 39:24 40:5
18:12 19:24	36:24 38:5 39:19	column 28:17 44:11	42:18, 23 44:22
20:17, 23 21:8, 17	40:17, 18 42:9, 11	columns 36:12	51:18 54:15
28:8, 16 29:9, 12	42:22 43:1 45:16	combination 13:14	65:13 67:4 71:24
29:13 31:24	46:2, 14, 23 47:10	combined 57:8	73:12
32:19 33:7, 8, 22	48:12 49:21	come 17:13 19:8	CORRECTION 76:5
35:16 36:22	50:10, 16 53:8	45:6	counsel 2:14 6:2
38:17 40:11, 13	54:19, 23 56:20	comment 32:5	9:17, 18, 19, 20
40:24 41:5 42:13	58:13, 23 59:3	comments 4:3	10:18 11:3, 15, 20
42:17 43:3 44:20	62:24 63:21	communicating 4:23	11:21 13:15
45:1, 9 46:22	64:10, 17, 19, 22	communication 5:1	15:11 60:7, 10
47:9 48:13 50:11	65:2 66:1, 4	5:5	68:8
50:15 52:22	68:19 71:3 72:11	communications	count 16:16
53:12, 16, 17	Center's 56:9	11:12	couple 10:20
54:20, 24 61:18	central 54:3	company 33:14	course 4:1 17:2
64:10 67:24	CEO 12:4 13:10	72:14, 19	37:18, 24 38:8, 22
68:11 70:18	32:8, 12 65:7, 10	complete 4:20	40:3, 10 66:23
71:24	certain 9:13 72:10	compliance 3:5	court 1:2 4:9 8:18
career 35:8	certification 5:22	concern 71:2	15:6 24:16 26:9
Caribbean 29:24	certify 75:6, 12	concerning 14:14	33:3 35:14 42:3
30:2 37:12 53:19	chair 24:1	15:18, 22 47:4	47:21 49:18 51:3
Caritas 14:1, 4, 11	Chairman 18:17	55:4 57:24 71:6	56:6 63:14 69:4
15:24 18:24	charge 6:4	concluded 73:6	70:15 71:20
19:14, 20 21:17	chart 31:12, 15	conditions 65:24	Courts 3:7
21:23 22:4, 16	charts 31:5	conducting 38:1	CPA 34:12
24:8, 18 25:8, 9	chat 62:9	confer 10:1	CPLR 3:16, 24 4:14
25:16, 22, 24	check 55:10	conferred 9:17	5:21
27:17 28:1, 7, 16	checking 44:3	11:3	created 28:5 29:12
29:8, 11, 13 31:14	Chicago 2:7 62:17	confidentiality	29:21
31:24 33:8, 22	Chief 12:8, 11	4:8	creating 72:15
35:16 36:22	52:19	confusion 72:18	credit 34:24 44:17
38:16 40:24 41:4	chief's 48:5	consent 4:24	current 56:19
47:9 48:13 50:10	choose 40:7	consult 60:7	C.V 34:21
50:15 52:21	Chung 51:6	consultation 11:19	
53:12, 15, 17	circumstances 13:7	Consulting 33:9, 13	D
54:19, 24 61:17	22:3	continues 27:14	d 3:10
64:10 67:24	Civil 1:18	continuously 12:12	date 13:1
68:11			

dated 30:18	determining 5:2	Drive 2:7	7:3
dates 15:23 18:10	different 11:16	due 23:1 27:1	examining 4:19
63:11,20 64:4,8	17:20 20:4 36:24	28:19 44:15 46:1	exchanged 27:18
David 2:15 58:6	differently 32:17	46:8	28:1
60:11	difficult 33:15	duly 7:2 75:8	Executive 12:9,11
day 73:16	direct 4:13 15:13	duties 37:4	exhibit 15:2,4,7
days 61:20 62:6,10	26:22 31:11 44:5		15:10 24:14,17
debt 20:8,22	56:13	<b>E</b>	26:6,9,11 30:11
debts 19:12,19,23	Direction 4:16	E 2:2,2 75:2 76:2	30:15,22 31:9
20:13 21:7,17,22	directly 17:12	76:2,2	32:24 33:4 35:11
22:16 24:8	20:12	earlier 22:2 62:16	35:15 41:20,24
December 26:13	Directors 14:4	64:2	42:5,15,20 44:6
37:10,15 42:7,17	disapproval 67:2	early 13:6 14:8	45:13,22 47:18
42:21 53:19,20	discovery 58:2,4	54:9	47:22,23 49:15
decided 59:8 61:9	discuss 39:16	EASTERN 1:3	49:19,20 50:24
decision 58:12,16	48:10 54:22	education 34:16	51:4 52:20 56:3
58:23 59:6,7	60:15	Edward 51:6	56:7 63:3,15
60:5,8,15,17	discussed 53:24	effort 23:15 58:1	69:1,5 70:12,16
66:11	54:17 55:8 71:5	eight 34:23,24	70:17,20 71:17
decisions 66:19,20	discussion 19:1,4	either 13:5 39:21	71:21 74:1,3
deemed 5:19	46:6 49:24 53:4	61:9	Exhibits 42:4
defect 3:22	58:20 68:17 70:7	Emil 16:18	expect 57:14
Defendant 1:16	discussions 53:22	employed 51:19	expectation 22:22
56:8	60:18 61:1,8,12	employees 25:24	expected 53:14
Defendants 1:10	62:2,6,19 68:7	47:7,8 48:11,14	expenses 43:13
2:10 7:23 15:9	disposal 40:7	48:24 50:9 54:18	experienced 33:18
17:15 19:9 20:15	dispute 8:12 14:14	54:22 55:6	exposure 66:1
30:23 31:21	23:20	Employment 8:12	express 23:4
Defendant's 20:20	disputes 8:11	ended 26:13	expressed 53:11
22:8,13 57:23	DISTRICT 1:2,3	enforce 4:8	extent 3:24 36:9
Deficiencies 26:23	doctor 57:4	engage 33:12	external 9:19
defining 51:13	document 15:3,6	England 34:15	e-mail 30:17,18
definitely 47:13	24:13,15 26:5,8	enter 58:19 64:17	31:4,7 51:5
definitionally	30:10 32:23 33:3	65:14	
69:22	33:16 35:10,14	entered 25:14 30:1	<b>F</b>
degrees 34:14	36:1,3,4 41:19	32:17,20 33:6	F 75:2
denominator 65:22	41:23 47:17,21	40:19	fact 20:24 33:12
department 36:21	49:2,14,18 50:23	enters 64:23	73:1
37:2	51:3,11 56:2,6	entirely 23:18	failure 5:8,16
departments 37:1	56:10 62:23 63:2	entities 17:4,10	familiar 35:24
depends 65:18,23	63:6,14 64:2	17:21 20:10 29:2	69:8
deponent 3:20 4:5	68:24 69:4,7	47:7,11	fashion 19:10
4:13,18,24 24:3	70:11,15 71:16	entitled 17:14	favor 30:1
deposition 3:10,12	71:20	35:16 52:21	February 61:9 68:1
3:13,18 4:6,21	documents 10:22	62:23	feel 18:2
4:23 7:12,17 8:1	11:1,5,9,11,14	entity 16:3 55:7	fees 16:1 53:16
9:10,16 10:24	11:16,20 23:12	55:24 64:13	Fidelis 18:16
11:9,23 15:7,8,9	36:20 37:2 42:3	entries 37:6	filed 69:13,16
18:7 23:24 24:17	59:11 60:5	entry 37:10,14	filing 5:22
32:2 55:11 57:18	document-holds	equipment 25:15	final 34:2 69:16
68:4 71:13 73:5	57:24	equities 35:1	69:21,23 70:1
depositions 8:8	doing 13:22	error 3:23	finally 59:7
describe 32:13,14	Dominic 30:19	estimate 13:3	finance 36:21,24
designated 9:10	Dowling 51:6,15,19	Event 5:5	37:2
10:7	52:8	exactly 68:15	financial 38:2,10
designed 23:2	Dowling's 51:23	examination 1:15	38:18,20 39:3,5
detail 29:16	Dr 62:10	4:1 5:10,14,18	39:6,8,10,13,15
detailed 39:15,21	draft 69:15,21,24	5:19,23 6:3 7:5	39:21 40:8,12,21
40:8	drill 8:13	examined 5:15 6:2	41:3 42:6,16

44:9,19 52:19 financials 26:12 27:16 42:20 44:7 45:17 46:17 financing 72:10 find 68:21 fine 13:23 18:3 first 7:1 12:5 15:2 49:8 50:3 52:21 58:19 65:16 five-year 17:17 fixing 61:16 flow 25:7 flows 53:13 foggiest 34:4 43:17 follow 71:2 following 19:10 follows 7:4 foregoing 73:8 75:9 form 3:22 39:14 67:5 format 31:4 former 42:12 forth 4:9 5:3 31:23 75:8 forward 17:9 four 16:16 fourth 43:10 frame 61:13 framed 3:19 front 33:16 full 50:3 72:2 function 58:24 funded 53:15,15 funds 21:21 22:15 24:7 27:18 28:1 40:21 41:1,3 further 75:12 future 65:24	49:9 GATES 2:9 gather 58:3 general 2:14 8:10 28:4 generally 8:5 gentlemen 18:14 George 1:17 2:8 7:7 Gio 30:19 50:4 give 8:14 57:8 given 3:13 7:24 8:8 75:11 giving 8:17 go 15:20 27:10 34:6 38:6 43:10 45:13 47:3 52:24 55:14 63:1 72:6 goes 25:13,20 28:9 51:17 going 17:3,13 21:24 23:22 31:22 35:2 58:17 Goldstein 1:22 7:2 75:4,18 gonna 11:11 good 7:10,11 61:6 graduate 34:18 graduation 34:21 grounds 5:3 guess 10:19 46:24 48:17 58:17	35:16 36:22 38:16 40:11,13 40:24 41:4 42:13 42:17 43:3 44:20 45:1,9 46:22 47:9 48:13 50:11 50:15 52:22 53:12,15,17 54:20,24 61:18 64:10 67:24 68:11 70:18 71:24 hear 8:21 heard 18:7 47:14 Heights 1:9 2:13 7:15 9:12 10:5 12:2 19:22 20:6 20:11,16,21 21:5 21:15,21 22:9,14 23:14 24:7 25:14 25:22,23 26:12 28:7,15 29:10,14 29:22 30:3 31:13 31:23 33:7,21 36:23 38:5 39:19 40:16,18 42:9,11 42:22 43:1 45:16 46:14,23 47:9 48:11 49:21 50:10,15 53:8 54:18,23 56:8,20 58:13,22 59:3 62:23 63:20 64:9 64:16,19,22 65:1 66:3 68:19 72:11 held 1:20 12:1,18 13:24 19:2 46:6 70:8 help 61:21 67:23 helpful 57:20 hereof 73:10 herring 33:23 highest 34:16 highlights 40:3 highly 52:11 Hmm 53:21 56:17 Hoffman 2:15 9:21 17:23 19:4 43:23 52:5 58:6,7 60:14 70:4 hold 34:14,17 holding 72:14 hospital 23:3 52:9 52:14 55:2 61:22 63:17 67:15,20 68:8 hospitals 19:14 21:18,23 22:16 24:9 25:8 36:23	36:24 54:11,13 58:15 59:10 61:18 HOSTETLER 2:6 hostility 43:24 hours 10:20 Hsu 30:19 51:6 52:14 Hughson 60:24 62:8 62:9
<b>G</b>		<b>I</b>	
G 25:2 45:22 Garg 1:16 7:12,18 7:19,22,24,25 15:5 18:9 22:21 24:15,20 26:8 30:13 31:18 33:2 34:5 35:13 39:7 42:2 44:6 47:20 49:8,17 51:2 54:16 56:5 62:22 63:13 64:16 69:3 70:14 71:19 72:8 73:4,5,14 Garg's 17:7 23:6 23:23 24:3 34:21	<b>H</b>		idea 43:19 45:7 identification 19:11 24:14 26:7 30:12,16 33:1 35:12 41:21 42:1 43:11 47:19 49:16 51:1 56:4 63:4 69:2 70:13 71:18 identify 21:12 24:5 32:18 63:10 identity 15:23 16:3,7 18:10 ii 4:8 iii 4:10 IL 2:7 Immaculate 19:20 23:15 54:14 immediately 61:11 improper 4:11 inappropriate 23:8 23:18 include 3:21 39:20 included 31:9 Index 1:6 74:1 information 10:6 10:11 17:7 19:5 19:10 39:5,8,10 40:21 41:4 47:4 55:2,16 57:23 58:1,3,8 64:3,7 64:12 initial 23:13 injury 8:11 inquired 50:4 inquires 19:9 inquiry 19:18 instance 21:15 24:5,6 instances 19:12,22 21:5,13,20 22:18 66:9,13 instruct 11:6 instruction 9:1 instructions 8:15 intercompany 20:7 20:18 21:6,11,22

2839

22:10,15 29:1  
**interest** 53:11  
**interested** 35:21  
 37:7 75:15  
**interfere** 4:3  
**interject** 61:15  
**internal** 9:19  
 13:15  
**internally** 9:21  
**international**  
 53:10  
**interrupt** 4:22  
**intrudes** 11:12  
**investing** 53:11  
**irregularity** 3:23  
**issue** 71:4  
**issues** 71:2  
**I.D** 44:8 72:4,17  
 72:21

**J**

**J** 1:17 2:8  
**January** 25:6 47:24  
 71:23  
**Jim** 68:16  
**JL** 33:8,12  
**job** 51:23,24 52:18  
 67:15,21  
**John** 24:18 69:19  
**John's** 19:20 23:16  
 54:13  
**joined** 34:23 65:7  
**journals** 31:22  
**judgment** 30:1  
**Julius** 57:17 67:18  
**June** 1:13 12:24  
**JURAT** 72:22

**K**

**keep** 13:22 51:11  
 71:9  
**keeping** 23:4  
**kind** 52:1 65:24  
**Klein** 68:16  
**know** 8:16,22 9:7  
 13:2 14:13 16:6  
 16:7,10,12,13,20  
 16:23 20:11  
 22:17,24 23:10  
 25:12,19 26:2  
 28:12 29:20,21  
 31:17,19 33:17  
 33:21 37:13,17  
 42:19 43:6,9,18  
 43:21 45:5,12  
 47:13 48:15,20  
 48:23 49:1,3  
 50:17,19 51:15  
 55:20,21,23

56:23 57:12,18  
 57:19 58:8 59:24  
 67:14 69:10,17  
 69:18 70:1,4  
**knowledge** 9:11  
 22:12 29:15,20  
 49:11 55:5,9  
 65:8,9  
**K&L** 2:9

**L**

**L** 3:1  
**lack** 18:17  
**large** 31:3  
**late** 13:5 14:7  
 54:9  
**Lavan** 24:18 69:19  
**Lavan's** 25:5,13  
 33:13  
**Law** 1:19  
**lawyers** 59:17,18  
**leak** 68:4 71:13  
**lease** 25:15  
**leave** 51:21 52:16  
**led** 13:8  
**left** 41:13  
**lend** 46:14  
**lending** 20:9  
**lent** 20:7 22:10  
**let's** 15:17,21  
 16:15 19:7 30:9  
 32:22 35:9 38:21  
 40:16 41:18 47:3  
 47:16 49:12  
 50:21 55:14,18  
 56:1 58:11 63:1  
 66:11 68:22  
 71:14  
**level** 34:16 65:20  
**Lexington** 2:10  
**liabilities** 19:13  
 19:19,23 20:17  
 21:7,17,23 26:23  
 29:8  
**liability** 20:8,22  
 28:5,6,13 29:13  
**liable** 68:20  
**Limitation** 4:9  
**Limited** 7:14  
**line** 27:1 35:21  
 76:5  
**list** 15:14 17:4  
**listed** 35:19  
**little** 44:13,21  
 59:5  
**living** 13:21  
**LLP** 2:6,9  
**loan** 21:11 23:13  
 24:8 44:12,21

45:4 46:9,17,18  
 46:18  
**loaned** 25:9  
**loans** 20:18 21:6  
 22:15 45:8 47:4  
**local** 18:15 50:8  
**logic** 57:1  
**logs** 23:1  
**London** 34:19  
**long** 23:7 71:7  
**longer** 54:12  
**longstanding** 53:9  
**look** 24:20 26:16  
 33:10 35:20 40:7  
 55:20  
**looked** 59:23 60:4  
 60:6  
**looks** 30:17  
**looting** 21:4  
**lot** 46:3,9 47:1,2  
**Loughlin** 2:11 9:23  
 11:6,10 17:1,17  
 17:20 18:5,19  
 22:20 23:9,19  
 31:20 38:3,24  
 39:3 46:4 49:6  
 52:2 57:15 59:12  
 59:19 61:3,5,15  
 63:5 67:5,7 70:3  
 70:20  
**lured** 35:3

**M**

**making** 60:5,8,17  
**manageable** 30:22  
**management** 38:9  
 40:2,12 41:14  
 51:12 54:17  
**March** 30:18 68:1  
 70:19  
**mark** 15:1 18:17,17  
 24:12 26:3 30:9  
 32:22 35:9 41:18  
 47:16 49:12  
 50:21 56:1 63:1  
 68:22 70:9 71:14  
**marked** 15:3,6  
 24:13,17 26:5,9  
 30:10,14 32:23  
 33:4 35:10,15  
 41:19,23 42:4  
 47:17,22 49:14  
 49:19 50:23 51:4  
 56:2,7 63:2,15  
 68:24 69:5,21  
 70:11,16 71:16  
 71:21  
**marriage** 75:14  
**Mary** 19:20 23:15

54:14  
**material** 30:23  
**matter** 7:13 75:15  
**matters** 8:9 33:21  
**maximum** 56:19  
**mean** 59:20  
**means** 21:10  
**medical** 1:4,9 2:13  
 7:15 9:12 10:5  
 12:2 19:23 20:6  
 20:12,16,21 21:6  
 21:16,21 22:9,14  
 23:14 24:7 25:14  
 25:22,24 26:13  
 28:7,15 29:11,14  
 29:22 30:3 31:13  
 31:24 33:7,22  
 36:23 37:19,20  
 38:5 39:19 40:17  
 40:18,20 41:1,9  
 42:9,11,22 43:1  
 45:16 46:2,14,23  
 47:10 48:12  
 49:21 50:10,16  
 53:8,10 54:19,23  
 56:8,19,20 58:13  
 58:23 59:3 62:24  
 63:21 64:10,16  
 64:18,19,22,23  
 65:2,5,11,15  
 66:1,4,10,14  
 67:12,16 68:9,18  
 68:19 71:3 72:11  
**Medicine** 7:9,14  
 14:15  
**meeting** 38:13 40:3  
 47:24 49:22 50:7  
 62:1,18 68:14  
 70:19 71:5,24  
**meetings** 39:10,20  
 71:10  
**members** 16:22 40:6  
 62:24 63:10,21  
 72:3  
**memory** 17:7,11,24  
 18:16 20:5  
**mentioned** 72:8  
**middle** 35:6  
**midway** 53:7  
**million** 23:13 25:9  
 25:17,21 28:2  
 29:12 37:9,10,14  
 44:22 45:1 53:18  
 53:19 72:10  
**million-nine** 44:12  
 46:13  
**million-six** 44:16  
**minimum** 23:13  
**minute** 27:7 48:7



N

O

P

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position 12:4, 18 13:10 20:15, 21 22:8, 14 44:9 positions 11:18 12:1 13:24 possession 57:24 possible 68:4 71:13 Potential 53:1 practice 1:18 18:8 precisely 13:2 preclosing 53:14 predates 49:9 Prejudice 4:12 prepaid 35:21 37:7 37:15 40:20 41:1 41:8 53:13, 16, 24 preparation 11:13 32:2 prepare 9:15 10:2 10:18, 22 11:2, 22 18:2 prepared 37:1 prepares 36:19 preparing 57:16 present 16:4, 9, 11 32:20 34:21 38:10 40:12 47:12 55:17, 18 61:7 63:12 presentation 67:1 presented 7:20 38:18, 20 39:11 39:18 40:22 41:3 41:4 66:16 67:3 67:11 presently 43:7 64:17 preserve 4:7 presume 58:6 69:17 pretty 29:6 38:13 prevailed 45:11 previous 22:1 43:16 72:18 pre-payment 37:19 prior 25:5 private 35:1 privilege 4:7 59:13 Probably 12:7 proceed 3:13 proceedings 24:19 40:17 process 57:10 produced 30:24 31:3, 21 41:10 51:9 profession 34:10 Project 53:12	projected 36:12 projection 36:16 projections 35:17 36:8, 13 promise 68:10 properties 42:7, 12 42:22 43:2 72:12 72:13, 19 proposed 50:19 provide 6:2 18:5 56:21 58:14, 24 59:4, 8 60:15 61:10 64:24 65:15 68:11 provided 4:14 5:20 17:2 22:24 25:15 25:23 39:9 46:2 46:21 63:6 provides 64:19 providing 58:20 62:3, 12 provision 3:8 provisions 28:14 Public 1:23 5:16 7:2 73:18 75:5 purpose 4:23 5:1 23:4 48:18 69:10 69:11 72:15 purposes 61:7 pursuant 1:17 3:16 put 33:16 63:9 p.m 73:6	ratio 57:3 read 18:6 30:6, 7 49:1 73:8 reading 44:17 49:2 reads 50:3 reality 33:17 really 11:17 22:5 55:20 67:9 reason 5:5 13:11 recall 18:10 40:15 43:16 62:4 68:15 receipt 40:20 41:2 received 23:12 40:24 53:17 recess 41:17 55:13 71:12 recite 31:6 recites 56:18 70:24 72:2 recognize 3:8 recollect 11:17 recollection 60:3 71:7 record 5:6 23:2, 7 30:21 31:1 51:8 52:6 63:16 73:8 75:10 records 43:20 red 33:23 reference 27:6, 24 referring 39:4, 5 reflect 27:17 66:15 reflected 40:21 64:1 66:21 reflects 31:12 44:19 46:7 refusal 4:15 regarding 58:20 68:18 regular 57:7 regularly 38:19 rejection 41:11 related 26:20 27:2 32:7 33:21 44:15 75:13 relating 8:9 relation 61:3 relationships 53:9 reliable 17:6 relief 3:15 remainder 4:20 remember 13:1 16:17 18:13 21:2 29:3 61:14 removed 30:23 repeat 8:22 30:4 replacement 58:14 59:9 60:16 61:10	62:12 replied 50:6 report 48:4, 11 reporter 1:22 8:18 15:6 24:16 26:9 33:3 35:14 42:3 47:21 49:18 51:3 56:6 63:14 69:4 70:15 71:20 75:5 represent 7:8 27:17 represents 46:1, 8 request 3:20 requests 58:5 required 21:10 57:3 reserved 5:13 29:4 residents 57:5 resolution 72:12 respect 68:9 respective 3:4 respond 58:4 response 7:20 8:6 8:24 13:18 29:17 63:6, 8 responses 56:9 rest 34:6 restructuring 48:5 Return 5:17 returned 22:23 23:5 review 10:21 11:1 32:1 38:11 39:16 40:2 48:7 59:10 reviewed 11:15, 21 38:2 59:15 reviewing 11:20 right 3:14 4:7, 20 8:23 10:21 15:13 20:5 24:24 28:10 28:24 36:3, 6 37:6 44:11, 18 52:20 53:3 55:1 58:11 65:12 69:6 71:22 rights 5:20 Romero 57:17, 21 67:18 Romero's 67:21 room 68:5 71:13 Ross 1:4 7:8, 13 14:15, 18 37:16 53:20 58:14 59:9 59:11 60:19, 22 61:13 62:2, 12, 20 71:3, 6 Rucigay 16:16, 18 16:18, 21 70:20 70:24 71:1
--	--	---	--

Rule 3:5, 9, 24 4:1 4:14 rules 1:19 3:6 5:4 5:20 run 51:13	55:13 shortage 53:2, 5 shorthand 1:22 75:4 show 11:5 15:5 24:15 26:8 32:4 33:2 35:13 36:11 42:2 47:20 49:3 49:17 51:2 56:5 63:13, 19 69:3 70:14 71:19 showed 54:16, 21 showing 31:22 shown 11:9 15:11 shows 42:21 43:13 44:11, 23, 24 69:15 sign 65:4 signature 33:11 signed 5:14 33:11 34:3 66:2 73:15 significant 4:12 signs 64:24 65:12 silent 67:1 simpler 59:5 simply 39:4 Singleton 21:3 48:17 50:6 Singleton's 41:16 48:10 sir 27:10 43:21 50:20 56:12 64:6 67:23 six 35:2 size 65:18 skip 58:11 slate 72:21 slots 62:3 sold 35:1 solution 68:21 somebody 18:17 44:21, 24 sorry 13:20 27:13 29:19 30:4 63:23 sort 39:8 41:13 69:11, 21 sorts 8:5, 7 36:19 37:1 sought 66:9, 13 source 17:6 speak 10:4, 10 33:24 62:7 68:13 speaking 23:8, 18 specific 21:9, 24 24:10 29:3, 15 specifically 40:23 41:6 specifics 29:21 specify 38:4	speed 31:18 spend 10:17 spent 34:23 spoke 62:14 spoken 62:11 spreadsheets 31:3 St 19:20 23:16 54:13 start 15:17, 21 16:15 38:21 55:18 66:12 startup 23:15 52:22 state 1:23 7:3 30:21 62:17 68:12 69:13, 16 75:6 stated 3:18 5:6 50:7 71:1 statement 3:22 4:17 44:8, 19 53:7 statements 4:3 38:2, 10, 18, 20 39:4, 6, 13, 15, 21 40:4, 8, 13 42:6 42:16 states 1:2 69:11 stating 58:7 step 13:11, 13 STIPULATED 3:3 Stockholm 1:12 2:14 stop 21:4 Street 1:12 2:14 strike 5:9 student 57:4 students 56:19 57:6 64:20 stuff 52:10 Subdivision 4:15 subdivisions 3:9 subject 3:14 subscribed 73:15 substance 68:17 succinct 4:17 succinctly 3:18 5:6 suggest 3:19 suggested 13:12 suggests 46:17 Suisse 34:24 sum 35:7 summary 39:14 supposed 55:23 sure 20:2 23:9 30:6 32:15 38:6 39:2 62:5 sworn 5:15 7:2	17:15 44:2 75:9 system 20:8 25:7  T T 3:1, 1 75:2, 2 76:2, 2 take 9:3 24:1 27:7 35:2 39:14 45:19 48:7 51:17 52:11 57:5 59:2 taken 3:12 5:19 41:17 55:13 68:3 71:12 73:9 talk 34:5 40:16 60:22 61:8 talked 47:5, 6 61:24 talking 22:2, 3 38:4 47:1 talks 47:6 Tax 72:4, 17, 21 tell 19:15 28:22 45:5 46:15 52:3 57:1 67:23 test 17:7, 12, 24 testified 7:4 22:21 64:2 testify 9:10 10:7 10:11 testifying 7:23 testimony 1:19 5:9 10:18, 22 15:17 15:22 22:7 23:7 23:10, 11 44:2 73:9 75:8, 10 thank 9:6 57:21 thing 41:13 things 20:4 35:6 68:20 think 12:20 13:10 13:14 15:20 18:14 22:20 28:9 29:6, 6 31:19 32:3, 21 33:13 41:15, 15 45:10 51:24 52:11, 17 54:8 61:19 62:15 68:15 69:14 72:17 73:2 third 15:14 28:19 thought 19:5 three 8:4 17:20 26:10, 11 57:8 71:1 three-pronged 58:18 time 1:21 5:11 10:17 12:24 16:8 16:20 17:16
--	---	--	--



2843

29:24 32:8 41:7 45:11 49:10 54:2 56:22 61:13,16 61:17,21 67:20 68:6 71:8 73:4,9 times 67:11 today 9:10,16 10:2 11:2 14:13 15:17 56:11 today's 10:18,22 11:22 15:9 32:2 55:11 told 21:3 Tom 21:3 41:16 48:17 60:23 62:14 top 15:20 36:12 58:12 topic 15:21 19:6,7 19:8,9 47:3 55:16 57:22 63:7 63:7 topics 9:13 10:6 10:12 15:15,18 34:7 55:14 total 35:7 57:9 to/due 23:1 to/from 27:17 28:1 track 13:22 23:4 training 34:9 transaction 22:11 transactions 21:22 27:18,24 28:5 31:12,16,22 32:13 45:4 transcript 73:12 75:10 transfer 46:20 47:5,7 48:24 50:14 54:17,22 transferred 47:10 48:12,14,19 transferring 72:13 transfers 47:15 48:16 55:4,6 treading 59:13 treated 22:21 trial 1:15 3:6 5:12 true 38:15,16 73:11 75:10 truly 37:5 Trust 34:23 trustee 12:3,5,22 13:4,8 14:2,3 35:3 trustees 12:15,21 15:24 16:2,4,8 17:16 18:12 38:9	63:11 64:4 70:19 truth 52:3 try 38:23 70:5 trying 18:13 Twenty-five 70:22 two 16:17 18:14 20:4 24:17 28:20 29:2 31:16 48:8 53:9 54:11,13 55:3 58:17,24 61:23 type 35:24 Tzanetopoulos 1:17 2:8 7:6,7 11:8 17:11,19,22 18:1 18:21 19:3 23:6 23:17,22 24:11 26:3 30:9 32:22 35:9 38:6 39:2 41:18,22 47:16 49:12 50:21 56:1 57:20 59:14,22 61:4 67:6 68:22 70:9,22 71:14	waiver 5:10,20 WALTER 2:11 want 23:9 24:1 27:12 30:24 31:11 43:24 52:3 water 68:4 way 10:8 23:5 28:9 28:22 59:24 60:3 61:16 75:14 Wa-Chung 30:19 Weekly 35:17 we'll 9:7 19:8 we're 14:13 17:14 23:23 27:20 45:14 we've 17:2 30:22 31:4,9 47:5,6 wisdom 45:11 witness 5:15 6:2 7:1 18:6,22 52:7 57:17,19 63:9 70:5 witness(es) 75:7 75:11 words 9:2 29:18 work 47:2 52:12 57:7,16 working 72:9 works 57:2 world 41:16 wouldn't 37:17 69:17 writing 45:8 66:7 written 48:21 wrong 18:23 Wyckoff 1:9 2:13 7:15 8:9 9:12 10:5,10 12:2,6,9 12:12,15 13:11 15:24 16:14 19:12,13,16,16 19:18,22 20:6,11 20:15,21 21:5,15 21:20 22:9,14 23:14 24:6 25:14 25:22,23 26:12 28:6,15 29:10,13 29:22 30:3 31:13 31:23 33:7,21 35:4 36:23 38:4 39:19 40:16,18 42:9,11,21 43:1 45:16 46:14,22 47:9 48:11 49:21 50:9,15 53:8 54:18,23 56:8,20 58:13,22 59:3 62:23 63:20 64:9 64:16,19,22 65:1	66:3 68:19 72:11 72:19 Wyckoff's 21:4 38:9 39:9 42:6 53:23
			X
			X 1:3,11
			Y
			yeah 9:22 11:10 25:4 27:9,13 28:10,18 41:15 42:24 44:10,23 45:21 48:3,6 52:7 55:15 56:15 year 26:13 42:7 43:22 61:24 62:11,16 years 34:24,24 Yep 45:15 yesterday 23:11 York 1:12,24 2:11 2:11,15 7:3 75:6
			\$
			\$1 25:9 \$1.9 44:21 46:9 \$10 23:13 25:21 \$14 28:2 29:12 \$3 25:17 \$3.5 37:9,10 53:17 \$4 72:9 \$5 37:14 53:19
			0
			09 54:9 09CV01410 1:6 7:16
			1
			1 15:4,7,10 25:6 49:22 57:3 58:12 74:5 1st 37:10 53:19 1:33 73:6 10 15:21 19:6,8 47:24 49:15,19 49:20 54:9 63:8 74:14 10:00 1:14 100 29:4 10022 2:11 11 24:23 50:24 51:4 52:21 74:15 11237 1:12 2:15 1199 50:8 12 56:3,7 74:16 13 63:3,15 74:17 14 69:1,5 74:18
	U		
	U 3:1 um 18:16 unaudited 39:6,12 39:22 42:6,15 understand 7:22 8:21 9:5,9 22:7 28:22 44:2 57:2 Unfortunately 43:8 Uniform 3:6 union 54:22 unique 67:10 UNITED 1:2 University 1:4 7:8 7:13 14:15 29:23 30:2 34:18 37:11 37:16 53:18,20 58:15 60:19 71:3 71:6 use 29:18 53:23		
	' v		
	value 23:2 25:16 various 21:3 version 8:14 34:2 34:20 70:2 versions 17:15 versus 7:14 volume 11:14 57:6		
	W		
	Wa 51:6 Wacker 2:7 waived 5:23		

15 70:12,16,17 74:5,19 16 71:17,21 74:20 19 12:7	5 32:24 33:4 70:19 74:9 5J 5:9 50 74:15 56 74:16 59 2:10		
2	6		
2 24:14 74:6 20 73:16 2000 47:24 2006 16:8,11 17:3 17:9 32:20 42:8 42:20,21 47:12 55:17 63:12 2007 25:6 26:14 30:19 42:17 44:7 49:22 2008 12:7,10,12,16 12:24 13:6 14:7 14:7 16:11 2009 13:6 14:8 51:22 52:17 61:9 68:1 70:19 71:23 2011 1:13 22 13:6 22 1.25:4 24 1:13 74:6 26 74:7 28th 53:20 29 27:14 37:15	6 30:18 35:11,15 55:16 74:10 60 606 2:7 63 74:17 68 74:18 7 7 41:20 42:4,5,20 47:3 74:11 70 74:19 71 74:20 8 8 41:24 42:4,15 44:6 57:3 71:23 74:12 9 9 19:7,9 47:18,22 74:13 9F 27:16,22,23 9G 45:22 46:7		
3			
3 26:6 45:13 50:1 56:14,14 70:23 74:7 30 26:19 27:14,16 27:20,21 45:19 45:24 74:8 30 (b) (6) 11:9 15:8 17:14 49:10 57:22 63:7 31 1:18 3:16 26:14 42:7,17,21 31 15 3:9,24 4:14 31 16 5:20 31 17 5:21 32 74:9 35 74:10 37 41:12 2:14			
4			
4 26:19 27:11 30:11,15 48:2 57:22 74:8 40 6 56:22 41 74:11,12 47 74:13 49 74:14			
5			